

For Discussion - 05/11/2016
Introduction - 05/11/2016
Public Hearing - 05/25/2016
Adopted – 5/25/2016
Enacted – 6/15/2016

ORDINANCE NO. 474

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS; CHAPTER 340 ZONING, TO MODIFY THE TERM AND DEFINITION OF “SMALL UTILITY STRUCTURE” TO “ACCESSORY STRUCTURE, SMALL SHED” UNDER §340-108 DEFINITIONS; TO ADD SIDE YARD REQUIRMENTS FOR AN “ACCESSORY STRUCTURE, SMALL SHED” TO BE PERMITTED WITHIN TWO FEET FROM THE SIDE PROPERTY LINE WITH A LETTER OF NO OBJECTION FROM THE NEIGHBORING PROPERTY OWNER WHO ABUTS THE AFFECTED SIDE PROPERTY LINE IN THE RESIDENTIAL 3 (R3) ZONE UNDER §340-21 AND RESIDENTIAL GATEWAY (RG) ZONE UNDER §340-22; TO AMEND THE SIDE YARD REQUIREMENTS UNDER RESIDENTIAL 1 (R1) ZONE UNDER §340-19 AND RESIDENTIAL 2 (R2) ZONE UNDER §340-20 TO REFLECT THE REVISED TERM “ACCESSORY STRUCTURE, SMALL SHED”; AND TO LIMIT ONE “ACCESSORY STRUCTURE, SMALL SHED” TO BE PERMITTED WITHIN TWO FEET FROM THE SIDE PROPERTY LINE WITH A LETTER OF NO OBJECTION FROM THE NEIGHBORING PROPERTY OWNER WHO ABUTS THE AFFECTED SIDE PROPERTY LINE IN ALL RESIDENTIAL ZONES.

WHEREAS, The Commissioners of St. Michaels (the “Commissioners”), a Municipal Corporation, have been delegated certain powers pursuant to the Maryland Annotated Code, Local Government Code, Division II, and Land Use Article, Division II to govern the zoning and land use within its municipal boundaries; and

WHEREAS, The Commissioners have the power to amend the Chapter 340 Zoning of the St. Michaels Town Code under §340-88 Power to amend, and shall do so under the provisions of §340-90 Text amendments; and

WHEREAS, it is the desire of The Commissioners to amend Chapter 340 to provide clear provisions all persons wishing to apply for a building permit for an accessory structure for the storage of goods in all residential zones in the Town of St. Michaels; and

WHEREAS, The Commissioners desire to revise §340-108 to update the term and definition of a “small utility structure” to an “accessory structure, small shed” under Zoning of the St. Michaels Town Code; and

WHEREAS, The Commissioners desire to revise §340-19 through §340-22 the further delineate the side yard requirements for accessory structures for storage of goods in all residential zones; and

WHEREAS, the Planning Commission reviewed the proposed changes to the Zoning Code for small sheds used for storage under the side yard requirements at an April 22, 2016 work session and voted to forward the proposed changes to The Commissioners of St. Michaels for consideration; and

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WHEREAS, The Commissioners find that accessory structures for storage of goods are clearly incidental to, subordinate in purpose to, and serve the principal use in all residential zones in the Town of St. Michaels; and

WHEREAS, The Commissioners hereby find that the accessory structures primarily used for storage are a historic type of structure in the Town of St. Michaels and contributes to the functionality of residential properties in St. Michaels; and

WHEREAS, The Commissioners find that all residential zones should be permitted the same provisions for storing items in an accessory structure as were previously permitted the Residential 1 and Residential 2 Zones; and

WHEREAS, for the reasons stated herein, The Commissioners deem it in the interest of the public health, welfare and safety of the citizens of the Town, and for good government of the Town, to enact the following Ordinance.

NOW, THEREFORE BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 Zoning of the Code of the Town of St. Michaels is hereby amended as follows, with all revisions shown in **red**, new language shown in *italics* and deleted language shown with a ~~striketrough~~ and in *italics*.

Chapter 340. Zoning
Article XV. Definitions

§ 340-108. Definitions.

[Amended 1-8-2001 by Ord. No. 264. ***_5_-25_- 2016_ by Ord. No 474***]

In this chapter, the following terms are used according to stipulated definitions. For most of these terms, the definition is stipulated with the term in the list below. For some of these terms, the definition is stipulated elsewhere in this chapter, at a location indicated in the list below by a reference, after the term, in the form "For definition see § _____ of this chapter."

ABATEMENT

The act of putting an end to a land alteration or development activity or reducing the degree or intensity of the alteration or activity.

[Added 1-23-2013 by Ord. No. 436]

ACCESSORY APARTMENT

A dwelling unit located on the second and/or third floor(s) of the principal structure on a lot or parcel of land, which dwelling is an accessory use (as defined in § 340-108) to a commercial use which is the principal use located on the first floor of the same structure.

[Added 8-12-2003 by Ord. No. 291]

ACCESSORY STRUCTURE

A structure that is detached from the principal structure, located on the same lot and clearly incidental and subordinate to a principal structure, or if there is no principal structure on the lot, a structure that is customarily incidental and subordinate to a principal structure.

[Added 1-23-2013 by Ord. No. 436]

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ACCESSORY STRUCTURE, SMALL SHED

A small accessory structure that is a simple roofed structure used solely for storage purposes, detached from the principal structure on a residential parcel of land, and shall not be a conditioned or habitable space. Such structure must be less than eighty square feet in total floor area with a maximum height of ten feet.

[Added 5-25-2016 by Ord. No. 474]

ACCESSORY USE OR STRUCTURE

A use or structure, the nature and/or extent of which: a) is not an integral part of the principal use or structure; b) is clearly incidental to and customarily found as a lawful use or structure in the applicable zone in Town in connection with the principal use or structure; c) is subordinate to and serves the principal use or structure; and d) is located on the same lot as the principal use or structure; and e) does not change the nature of the basic use of the lot on which it is located. An accessory structure to a dwelling shall not contain or include facilities for bathing or showering of humans, or for the preparation or cooking of food for human consumption (except for barbecue grills).

[Amended 10-8-1985 by Ord. No. 171; 1-11-2000 by Ord. No. 246]

ACCRETION

An accumulation of soil, sand, gravel, minerals, organic matter, or other material from wave or tidal action, resulting in such materials being deposited and fixed as part of the fast land.

Accretion may be natural or artificial.

[Added 6-12-2001 by Ord. No. 253]

ADDITION

Newly constructed area that increases the size of a structure.

[Added 1-23-2013 by Ord. No. 436]

ADULT-ORIENTED BUSINESS

Any business, operation, or activity a significant amount of which consists of:

[Added 12-15-2010 by Ord. No. 422]

A. The conduct, promotion, delivery, provision, or performance of adult entertainment or material, including but not limited to that occurring in, at, or in connection with a cabaret, lounge, nightclub, modeling studio, bar restaurant, club or lodge, or other establishment; or

B. The sale, provision, rental, or promotion of adult entertainment or material, in any format, form, or medium, including but not limited to books, magazines, videos, DVDs, CDs, movies, photographs, and/or coin-operated or pay-per-view viewing devices, including but not limited to the operation of an adult book or video store or viewing booth.

[Note: Adult-oriented businesses are regulated under Town Code Chapter 75, Adult-Oriented Businesses, wherein are located additional definitions relative to adult-oriented businesses.]

AFFORESTATION

The establishment of a tree crop on an area from which it has always or very long been absent, or the planting of open areas which are not presently in forest cover.

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350]

AGRICULTURAL EASEMENT

A nonpossessory interest in land, which restricts the conversion of use of the land, preventing nonagricultural uses.

[Added 1-24-2007 by Ord. No. 350]

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AGRICULTURE

All methods of production and management of livestock, crops, vegetation, and soil. This includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals, such as cattle, dairy cows, sheep, goats, hogs, horses, and poultry and handling their by-products.

[Amended 1-24-2007 by Ord. No. 350]

ANADROMOUS FISH

Fish that travel upstream (from their primary habitat in the ocean) to fresh waters in order to spawn.

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350]

ANADROMOUS FISH PROPAGATION WATERS

Those streams that are tributary to the Chesapeake Bay and Atlantic coastal bays in which the spawning of anadromous species of fish (e.g., rockfish, striped bass, yellow perch, white perch, shad, and river herring) occurs or has occurred. The streams are identified by the Department of Natural Resources.

[Added 1-24-2007 by Ord. No. 350; amended 1-23-2013 by Ord. No. 436]

APARTMENT

A dwelling unit forming one of a group or series of three or more attached dwelling units, all of which dwelling units have the same owners and are or are intended to be rented or leased by the owner to tenants for residential purposes.

[Amended 6-14-1977 by Ord. No. 115; 10-11-1983 by Ord. No. 137]

AQUACULTURE

[Added 1-24-2007 by Ord. No. 350]

A. Farming or culturing of finfish, shellfish, other aquatic plants or animals or both, in lakes, streams, inlets, estuaries, and other natural or artificial water bodies or impoundments;

B. Activities include hatching, cultivating, planting, feeding, raising, and harvesting of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings, and growing areas; and

C. Cultivation methods include, but are not limited to, seed or larvae development and grow out facilities, fish ponds, shellfish rafts, rack and longlines, seaweed floats and the culture of clams and oysters on tidelands and subtidal areas.

D. For the purpose of this definition, related activities, such as wholesale and retail sales, processing and product storage facilities, are not considered aquacultural practices.

AVERAGE GRADE OF LOT

The average elevation of the public road or street abutting, adjoining or surrounding the lot.

[Added 1-8-1985 by Ord. No. 157]

AVULSION

A natural and sudden or violent loss of soil, sand, gravel, minerals, organic matter, or other material at the shoreline, which has no effect on boundaries and ownership rights of the land.

[Added 6-12-2001 by Ord. No. 253]

BAR

A furnishing in some restaurants: a long, usually raised counter, on one side of which employees pour or mix alcoholic beverages, which they serve (sometimes with food) to customers seated or

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standing on the bar's other side. Bar seating is usually on stools, and bar customers render payment across the bar. An outdoor bar is a bar either or both sides of which are located in, or are immediately open and accessible to, an outdoor area.

[Added 4-25-2007 by Ord. No. 345]

A. Outdoor bars are prohibited in the CC, LC, and MC Zones, except for a temporary bar in a restaurant's outdoor seating area during a private function for which the outdoor seating area is closed to the general public.

B. The prohibition of outdoor bars in Subsection A above shall not apply to outdoor service bars. A service bar is a furnishing in some restaurants that is used exclusively by restaurant staff to facilitate serving of food and beverages to customers seated at tables. No restaurant customers are seated or served at a service bar.

BARREN LAND

Unmanaged land having sparse vegetation.

[Added 1-24-2007 by Ord. No. 350]

BED-AND-BREAKFAST (also referred to as "B&B")

A structure which contains: 1) a dwelling unit for exclusive use of the owners of the property as their permanent residence; 2) no more than two guest rooms; and 3) at least one full bathroom for the exclusive use of the occupants of the guest rooms, which shall be accessible from each guest room without going through another guest room or sleeping room. A B&B may provide breakfast (but not other meals) in exchange for compensation only to occupants of the guest rooms. A B&B shall contain no food storage or preparation facilities in any guest room and shall not permit occupants of guest rooms to prepare meals upon the premises. The commencement of the use of a B&B shall constitute a new or different use requiring an occupancy permit from the Town.

[Added 1-28-2003 by Ord. No. 282]

BED-AND-BREAKFAST INN

One or more structures on a lot or parcel of land which contains: 1) a dwelling unit for exclusive use of the owners of the property, or the resident bed-and-breakfast-inn manager, as their permanent residence; 2) at least three but no more than eight guest rooms; and 3) at least one full bathroom for the exclusive use of the occupants of the guest; which shall be accessible from each guest room without going through another guest room or sleeping room. Bed-and-breakfast inns are subject to the following conditions:

[Added 7-12-1994 by Ord. No. 213; amended 2-13-1996 by Ord. No. 225; 1-28-2003 by Ord. No. 282; 6-22-2005 by Ord. No. 317; 4-8-2009 by Ord. No. 399; 5-26-2010 by Ord. No. 416]

A. A bed-and-breakfast inn may provide breakfast (but not other meals) in exchange for compensation only to occupants of the guest rooms.

B. Where the dwelling unit exists in a separate structure from some or all of the guest rooms, a structure with four or more guest rooms, no dwelling unit, and a common dining area for guests, may include a kitchen to be used by management in the preparation of breakfast for guests between the hours of 6:00 a.m. and 10:30 a.m. This kitchen shall not be accessible to guests.

C. Subsections A and B above notwithstanding, a bed-and-breakfast inn may sell "event packages" as defined and regulated by Article IV, § 340-32.1, Notes to Table of General Land Uses.

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D. A B&B inn shall contain no food-storage or food-preparation facilities in any guest room and shall not permit occupants of guest rooms to prepare meals upon the premises.

E. The commencement of the use of a B&B inn shall constitute a new or different use requiring an occupancy permit from the Town.

BEST MANAGEMENT PRACTICES (BMPS)

Conservation practices or systems of practices and management measures that control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics and sediment. Agricultural BMPs include, but are not limited to, strip cropping, terracing, contour stripping, grass waterways, animal waste structures, ponds, minimal tillage, grass and naturally vegetated filter strips, and proper nutrient application measures. Water quality BMPs are outlined in the Critical Area 10% Rule Guidance Manual.

[Added 1-24-2007 by Ord. No. 350]

BOAT SLIP

A berthing or landing place for a boat.[1]

[Added 10-8-1985 by Ord. No. 171]

BUFFER

An area that based on conditions at the time of development is immediately landward from mean high water of tidal waterways, the edge of bank of a tributary stream, or the edge of a tidal wetland; and the area exists in, or is established in, natural vegetation to protect a stream, tidal wetland, tidal waters or terrestrial environments from human disturbance. The Buffer includes an area of at least 100 feet even if that area was previously disturbed by human activity or is currently developed and also includes any expansion for contiguous sensitive areas, such as a steep slope, hydric soil, highly erodible soil, nontidal wetland, or a nontidal wetland of special state concern as defined in the COMAR 26.23.01.01.[2]

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350; 1-23-2013 by Ord. No. 436]

BUFFER MANAGEMENT AREA (BMA)

An area officially mapped by the Town of St. Michaels and approved by the Critical Area Commission as a buffer management area, where it has been sufficiently demonstrated that the existing pattern of residential, industrial, commercial, institutional, or recreational development prevents the Buffer from fulfilling its water quality and habitat functions, and where development in accordance with specific Buffer management area provisions can be permitted in the Buffer without a variance.

[Added 1-23-2013 by Ord. No. 436]

BUFFER MANAGEMENT PLAN

Includes a major Buffer management plan, a minor Buffer management plan, and a simplified Buffer management plan.

[Added 1-23-2013 by Ord. No. 436]

BUFFER YARD - CRITICAL AREA

An area, at least 25 feet wide, located between development activity and the water (or edge of wetlands or streams), planted with vegetation consisting of native species and other appropriate plantings. This area shall be maintained primarily for the purposes of wildlife habitat and water quality and shall not be maintained in a manner that conflicts with these purposes such as by

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mowing or the application of herbicides except as necessary for the removal of nonnative invasives.

[Added 1-24-2007 by Ord. No. 350]

BUILDABLE AREA

[Added 10-22-2008 by Ord. No. 388]

A. A computation applying to subdivisions in the Residential R-1 Zone. For such subdivisions, buildable area equals gross site acreage minus the acreage of:

- (1) Municipal streets and alleys (proposed and existing);
- (2) Highway rights-of-way;
- (3) Nontidal wetlands and their buffers;
- (4) Critical area buffers as set out in § 340-27.12 of this Code;

[Amended 1-23-2013 by Ord. No. 436]

- (5) The 10% gross site acreage required to be set aside as public open space;

- (6) Other mandated environmental easements and stormwater management facilities and land upon which residential development may not be permitted.

B. For a subdivision in the Residential R-1 Zone, density calculations shall be computed based upon the buildable area of the site, not the gross site acreage.

BUILDABLE LOT

One that is legally buildable under §§ 340-49 and 340-9.

[Added 1-24-2007 by Ord. No. 350]

BUILDING OR STRUCTURE, HEIGHT OF

See Article V, § 340-36.

[Amended 2-17-1987 by Ord. No. 177; 5-26-2010 by Ord. No. 416]

CAFE/COFFEE HOUSE

An informal restaurant, where light refreshments or meals are served primarily for consumption on site. A cafe/coffee shop provides indoor seating for customers and may provide table service. A cafe/coffee shop may also have an outdoor seating area, which in the CC, GC and HRZ Zones is permitted subject to the following conditions:

[Added 5-26-2010 by Ord. No. 416]

A. Should an outdoor seating area be provided, it shall be clearly identified for the use of the clientele, with said area contiguous to the cafe/coffee shop.

B. Table service is not a requirement of this use.

C. No part of any outdoor seating area shall be within 75 feet of a residential zone.

D. An outdoor seating area shall not include an outdoor bar.

CALIPER

The diameter of a tree measured at two inches above the root collar.

[Added 1-23-2013 by Ord. No. 436]

CANOPY TREE

A tree that when mature commonly reaches a height of at least 35 feet.

[Added 1-23-2013 by Ord. No. 436]

CARNIVAL

A traveling outdoor amusement show with rides, games and prizes which is permitted only with express permission by The Commissioners of St. Michaels.

[Added 5-26-2010 by Ord. No. 416]

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CHURCH

One or more buildings, operated by an entity which is qualified by the Internal Revenue Service as a nonprofit religious organization, and used by that entity to house activities commonly associated with the program of a religious congregation and directly participated in by the congregation's membership (e.g., a sanctuary, church hall, church office, and Sabbath school, but not a "school" as defined in this § 340-108).

[Added 10-8-1985 by Ord. No. 171; amended 1-8-2001 by Ord. No. 264]

CLEAR-CUTTING

The removal of the entire stand of trees in one cutting with tree reproduction obtained by natural seeding from adjacent stands or from trees that were cut from advanced regeneration or stump sprouts or from planting of seeds or seedlings by man.

[Added 1-24-2007 by Ord. No. 350]

CLUSTER DEVELOPMENT

A residential development to which dwelling units are concentrated in a selected area or selected areas of the development tract so as to provide natural habitat or other open space uses on the remainder.

[Added 1-24-2007 by Ord. No. 350]

COLONIAL NESTING WATER BIRDS

Hérons, egrets, terns, and glossy ibis. For the purposes of nesting, these birds congregate (that is "colonize") in relatively few areas, at which time, the regional populations of these species are highly susceptible to local disturbances.

[Added 1-24-2007 by Ord. No. 350]

COMAR

The Code of Maryland Regulations, as from time to time amended, including any successor provisions.

[Added 1-23-2013 by Ord. No. 436]

COMMERCIAL

That which relates to a for-profit business organization engaging in the sale, rental, lease or exchange of goods, products, services or properties of any kind.

[Added 10-24-2007 by Ord. No. 360]

COMMERCIAL HARVESTING

A commercial operation that would alter the existing composition or profile, or both, of a forest, including all commercial cutting operations done by companies and private individuals for economic gain.

[Added 1-24-2007 by Ord. No. 350]

COMMISSION

The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays.

[Added 1-24-2007 by Ord. No. 350; amended 1-23-2013 by Ord. No. 436]

COMMUNITY CENTER

A meeting place used by members of the community for social, cultural, educational or recreational purposes.

[Added 12-16-2009 by Ord. No. 410]

COMMUNITY PIERS

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Boat docking facilities associated with subdivisions or similar residential areas, and with condominium, apartment and other multiple-family dwelling units. Private piers are excluded from this definition.

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350]

COMPLEMENTARY COMMERCIAL USES

Those uses which are located on a single parcel of land or contiguous parcels of land and are authorized to share parking because they are located close to one another and share clientele.

[Added 8-22-2007 by Ord. No. 358]

COMPLEMENTARY PARKING FACILITIES

A parking facility wherein a parking space for one use serves as a parking space for a complementary commercial use when a client at one establishment is reasonably expected to patronize a second establishment and to walk rather than drive from one to the other.

[Added 8-22-2007 by Ord. No. 358]

COMPREHENSIVE OR MASTER PLAN

A compilation of policy statements, goals, standards, maps and pertinent data relative to the past, present and future trends of the local jurisdiction, including, but not limited to, its population, housing, economics, social patterns, land uses, water resources and their use, transportation facilities and public facilities prepared by or for the Planning Board, agency or office.

[Added 1-24-2007 by Ord. No. 350]

CONCEPT PLAN

A conceptual rendering, drawn to an approximate scale, that includes, at a minimum, the following information:

[Added 2-10-2004 by Ord. No. 304]

- A. The proposed title of the project and the name of the engineer, architect, landscape planner or other designer who prepared it;
- B. A preliminary description of the nature of the proposed uses;
- C. North arrow, scale, date and approximate boundary of the property;
- D. The total number of acres of the land on which the project is to be located;
- E. The preliminary layout of all lots and roads;
- F. The preliminary location of all proposed open spaces;
- G. The critical area boundary, if applicable; including, but not limited to, the one-hundred-foot shoreline development buffer;
- H. The proposed number and types of units; and
- I. Such other information as the Planning Commission or its staff may reasonably require to accomplish the purposes of this process.

CONDOMINIUM

A structure containing a group or series of three or more attached dwelling units which are subject to a condominium regime established under the Maryland Annotated Code.

[Amended 6-14-1977 by Ord. No. 115; 10-11-1983 by Ord. No. 137]

CONSERVATION EASEMENT

A nonpossessory interest in land, which restricts the manner in which the land may be developed in an effort to reserve natural resources for future use.

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350]

CONSOLIDATION

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A combination of any legal parcel of land or recorded legally buildable lot into fewer lots or parcels than originally existed. An application for consolidation may include a subdivision, lot line abandonment, boundary line adjustment, replatting request, or lot line adjustment.

[Added 1-23-2013 by Ord. No. 436]

COVER CROP

The establishment of a vegetative cover to protect soils from erosion and to restrict pollutants from entering the waterways. Cover crops can be dense, planted crops of grasses or legumes, or crop residues such as corn, wheat or soybean stubble which maximize infiltration and prevent runoff reaching erosive velocities.

[Added 1-24-2007 by Ord. No. 350]

CREDITED PARKING SPACES

For definition see § 340-34A(1) of this chapter.

[Added 1-8-2001 by Ord. No. 264]

CRITICAL AREA

All lands and waters defined in § 8-1807 of the Natural Resources Article, Annotated Code of Maryland. They include:

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350]

A. All water of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the state wetlands maps and all state and private wetlands designated under Title 16 of the Environment Article, Annotated Code of Maryland;

B. All land and water areas within 1,000 feet beyond the landward boundaries of state or private wetlands and the heads of tides designated under Title 16 of the Environment Article, Annotated Code of Maryland; and

C. Modification to these areas through inclusions or exclusions proposed by local jurisdictions and approved by the Commission as specified in § 8-1807 of the Natural Resources Article, Annotated Code of Maryland.

CRITICAL AREA COMMISSION

The Maryland Chesapeake Bay Critical Area Commission.

[Added 5-10-1988 by Ord. No. 183]

DAY-CARE CENTER

The activity of providing care for part of a day (not on a twenty-four-hour per day basis) to dependents of working persons while those working persons are at work. The primary purpose of a day-care center is not education. The dependents may be children, under the age of 16 years, or persons 60 years or older, who need temporary supervision and care during part of the day. A day-care center shall comply with all Maryland laws regarding the regulation, licensure and operation of day-care centers.

[Added 8-9-1988 by Ord. No. 187]

DENSITY

The number of dwelling units per acre within a defined and measurable area.

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350]

DETACHED SIGN

A sign not attached to or painted on a building, but which is affixed to the ground. A sign attached to a flat surface, such as a fence or wall, and not part of a building, and freestanding signs, both shall be considered detached signs. For the purposes of this chapter, an affixed

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detached sign shall not exceed a height of five feet. [Freestanding signs shall be subject to requirements set forth in § 340-40A(2).]

[Added 10-24-2007 by Ord. No. 360]

DEVELOPED WOODLANDS

An area of trees or of trees and natural vegetation that is interspersed with residential, commercial, industrial or recreational development.

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350; 1-23-2013 by Ord. No. 436]

DEVELOPER

A person who undertakes development activity as defined in this chapter; or a person who undertakes development as defined in the criteria of the Critical Area Commission.

[Added 11-11-2003 by Ord. No. 290; amended 1-24-2007 by Ord. No. 350; 1-23-2013 by Ord. No. 436]

DEVELOPMENT

[Added 5-10-1988 by Ord. No. 183; amended 11-11-2003 by Ord. No. 290]

A. The division of a parcel of land into two or more parcels;

B. The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structures;

C. Any use or change in use of any structures or land;

D. Any extension of any use of land; or

E. Any clearing, grading or other movement of land for which permission may be required pursuant to this chapter.

DEVELOPMENT ACTIVITIES

The construction or substantial alteration of residential, commercial, industrial, institutional or transportation facilities or structures.

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350]

DISTURBANCE

An alteration or change to the land. It includes any amount of clearing, grading, or construction activity. Disturbance does not include gardening or maintaining an existing grass lawn.

[Added 1-23-2013 by Ord. No. 436]

DOCUMENTED BREEDING BIRD AREAS

Forested areas where the occurrence of interior dwelling birds, during the breeding season, has been demonstrated as a result of on-site surveys using standard biological survey techniques.

[Added 1-24-2007 by Ord. No. 350]

DRAINAGEWAYS

Minor watercourses that are defined either by soil type or by the presence of intermittent or perennial streams or topography that indicates a swale where surface sheet flows join.

[Added 5-10-1988 by Ord. No. 183]

DREDGING

The removal or displacement by any artificial means of soil, sand, gravel, shells, or other material, whether or not of intrinsic value, from any state wetlands or private wetlands.

[Added 6-12-2001 by Ord. No. 253]

DWELLING, DUPLEX

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A detached structure designed for and/or used only as two dwelling units. The dwelling units of a duplex may exist side by side or one above the other.

[Amended 1-13-2004 by Ord. No. 299]

DWELLING, MULTIFAMILY

A structure containing a group or series of three or more attached dwelling units, which structure is located either on one or more lots, and which dwelling units are owned either in common by the same owner or by separate owners, used or intended to be used for occupancy by the owners and/or tenants and including, but not limited to, apartment buildings, condominiums, and townhouse buildings. Two or more multifamily dwellings on a single property shall be known as a multifamily residential complex.

[Amended 1-13-2004 by Ord. No. 299; 4-27-2011 by Ord. No. 424]

DWELLING, SINGLE-FAMILY DETACHED

A detached structure, designed for or used only as one dwelling unit.

[Amended 1-13-2004 by Ord. No. 299]

DWELLING UNIT - CRITICAL AREA, RCA

A single unit providing complete, independent living facilities for at least one person, including permanent provisions for sanitation, cooking, eating, sleeping, and other activities routinely associated with daily life. Dwelling unit includes living quarters for domestic or other employee or tenant, an in-law or accessory apartment, a guesthouse, or a caretaker residence.

[Added 1-24-2007 by Ord. No. 350]

DWELLING UNIT (HOUSEKEEPING UNIT)

A room or suite of rooms, contained within the same structure, used, designed or intended to be used, or suitable for use as the residence of one family. A structure in which there is a sleeping room, a full bathroom, and food storage and preparation facilities available to the same person or family shall constitute a dwelling unit. Except for one dwelling unit for the owner or resident manager, no dwelling unit shall be located in a hotel, inn, lodge, motel, or other accommodation for guests, travelers or transients. No dwelling unit shall be located in a trailer. The occupancy of a dwelling unit or a portion thereof, by a person or persons for a time period of four consecutive months or less in exchange for compensation, shall constitute a commercial activity not permitted in any residential zone, except as follows:

[Amended 10-11-1983 by Ord. No. 137; 1-8-1985 by Ord. No. 157; 7-12-1994 by Ord. No. 213; 1-11-2000 by Ord. No. 246; 1-8-2001 by Ord. No. 264; 1-13-2004 by Ord. No. 299]

A. Legal nonconforming bed-and-breakfasts;

B. Bed-and-breakfast inns;

C. Vacation cottages licensed by the Town to be used for short-term rentals in the R-2 Zone.

ECOSYSTEM

A more or less self-contained biological community together with the physical environment in which the community's organisms occur.

[Added 1-24-2007 by Ord. No. 350]

ENDANGERED SPECIES

Any species of fish, wildlife, or plants that have been designated as endangered by regulation by the Department of Natural Resources. Designation occurs when the continued existence of these species as viable components of the state's resources are determined to be in jeopardy. This

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includes any species determined to be an "endangered" species pursuant to the Federal Endangered Species Act, 16 U.S.C. 1531 et seq., as amended.

[Added 1-24-2007 by Ord. No. 350; amended 1-23-2013 by Ord. No. 436]

ENVIRONMENTAL ASSESSMENT

A comprehensive report that describes the natural features and characteristics of a proposed development site, the changes that will occur as the result of proposed development activities on the site, the anticipated environmental impacts and consequences of the proposed development, and mitigation measures to be taken to minimize undesirable impacts to the environment.

[Added 5-10-1988 by Ord. No. 183]

EQUIVALENT PARKING SPACE

For definition see § 340-34A(1) of this chapter.

[Added 1-8-2001 by Ord. No. 264]

EROSION

A natural and gradual washing away of soil, sand, gravel, minerals, organic matter, or other material from fast land that results in the conversion of such fast land to submerged land.

[Added 6-12-2001 by Ord. No. 253]

ESTABLISHMENT

The planting or regeneration of native vegetation throughout the Buffer.

[Added 1-23-2013 by Ord. No. 436]

EXCESS STORMWATER RUN-OFF

All increases in stormwater resulting from:

[Added 1-24-2007 by Ord. No. 350]

A. An increase in the imperviousness of the site, including all additions to buildings, roads, and parking lots;

B. Changes in permeability caused by compaction during construction or modifications in contours, including the filling or drainage of small depression areas;

C. Alteration of drainageways, or regrading of slopes;

D. Destruction of forest; or installation of collection systems to intercept street flows or to replace swales or other drainageways.

FAMILY

One or more persons occupying the premises and living as a single nonprofit housekeeping unit.

[Amended 6-7-2006 by Ord. No. 337]

FARM

Land which is utilized for such bona fide agricultural purposes as crop production; livestock pasturage, care, handling etc.; forestry; and directly related uses; and which may consist of a single parcel or several adjacent or nearby parcels under one ownership. No poultry or livestock, except pets, shall be housed or confined within 200 feet of the boundary of the property. Fox, mink and hog farms shall be prohibited.

[Added 10-8-1985 by Ord. No. 171]

FARMERS' MARKET

An open-air market where primarily agricultural products are offered for sale to the general public. Regulations for farmers' markets held in town parks or on Town property by permit of The Commissioners of St. Michaels shall be adopted by resolution of the Commissioners, which resolution may be amended from time to time.

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[Added 10-28-2009 by Ord. No. 408]

FAST LAND

Land lying above the mean high water line.

[Added 6-12-2001 by Ord. No. 253]

FENCE

Any structure, whether constructed of wood, masonry, or otherwise forming a physical and/or a visual barrier, blockade or enclosure. A fence includes any structure constructed or appearing to be constructed for any of the aforesaid purposes, whether in the form of a wall, stockade, privacy fence, or a more traditional split rail, picket or wire fence.

[Added 10-11-1983 by Ord. No. 137]

FILLING

The artificial displacement of navigable water by the depositing into state wetlands or private wetlands of soil, sand, gravel, shells, or other materials; or the artificial alteration of navigable water levels by any physical structure, drainage ditch, or otherwise. Filling does not include in-place replacement or repair of shore erosion control structures using substantially similar materials and construction design; or planting of wetlands vegetation when no grading or fill in state wetlands or private wetlands is necessary.

[Added 6-12-2001 by Ord. No. 253]

FINAL DECISION

An administrative, quasi-judicial or judicial decision for which all rights of appeal related thereto, permitted by law, have expired by the lapse of time or have been exhausted. No permit shall be issued pursuant to this chapter by the Zoning Inspector, or acted on by the applicant, as the result of a decision by the Planning Commission, by the Board of Zoning Appeals, or by the Town Commissioners, unless and until such decision is a final decision.

[Added 9-14-1999 by Ord. No. 241]

FINANCIAL ASSURANCE

A performance bond, letter of credit, cash deposit, insurance policy, or other instrument of security acceptable to the Town of St. Michaels.

[Added 1-23-2013 by Ord. No. 436]

FISHERIES ACTIVITIES

A commercial water-dependent fisheries facilities including structures for the packing, processing, canning, or freezing of finfish, crustaceans, mollusks, and amphibians and reptiles and also including related activities, such as wholesale and retail sales product storage facilities, crab shedding, off-loading docks, shellfish culture operations, and shore-based facilities necessary for aquacultural operations.

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350]

FLAT SIGN

Any sign attached to, and erected parallel to the face of, or erected or painted on the outside wall of a building and not extending more than four inches from the building wall. The sign shall be oriented so as to be read from a point perpendicular to the building. Such sign shall not exceed the square-foot limit applicable in the particular zone involved.

[Added 10-24-2007 by Ord. No. 360]

FLOOD-PRONE AREAS

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Those areas of land within 100 feet landward from the mean high water line of tidal water, a tributary stream or tidal wetland; or within 25 feet of nontidal wetland.

[Added 9-14-1999 by Ord. No. 242]

FOREST

A biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. Forest includes areas that have at least 100 trees per acre with at least 50% of those trees having two-inch or greater diameter at 4.5 feet above the ground and forest areas that have been cut, but not cleared. Forest does not include orchards.

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350; 1-23-2013 by Ord. No. 436]

FOREST INTERIOR DWELLING BIRDS

Species of birds which require relatively large forested tracts in order to breed successfully (for example, various species of flycatchers, warblers, vireos, and woodpeckers).

[Added 1-24-2007 by Ord. No. 350]

FOREST MANAGEMENT

The protection, manipulation, and utilization of the forest to provide multiple benefits, such as timber harvesting, water transpiration, wildlife habitat, etc.

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350]

FOREST NATURAL REGENERATION

The natural establishment of seedlings and saplings perpetuated by seed trees which will make up the next forest.

[Added 1-24-2007 by Ord. No. 350]

FOREST PRACTICE

The alteration of the forest either through tree removal or replacement in order to improve the timber, wildlife, recreational, or water quality values.

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350]

FREESTANDING SIGN

A sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure, whether portable or stationary.

[Added 10-24-2007 by Ord. No. 360]

FULLY ESTABLISHED

The Buffer contains as much diverse, native vegetation as necessary to support a firm and stable riparian habitat capable of self-sustaining growth and regeneration.

[Added 1-23-2013 by Ord. No. 436]

GOVERNMENT SERVICES

Any use operated by a governmental or nonprofit volunteer entity and providing a public service, e.g., post office, fire station, emergency ambulance service, rescue squad, police station, courthouse, governmental office building, governmental storage facility, governmental garage.

[Added 5-26-2010 by Ord. No. 416]

GRANDFATHERED

Describes the status accorded certain properties and development activities that are of record prior to the date of adoption of this chapter or provisions of this chapter.

[Added 5-10-1988 by Ord. No. 183]

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GRANDFATHERED PARCEL/LOT IN THE CRITICAL AREA

A parcel of land or lot that was subdivided into recorded, legally buildable lots where the subdivision received final approval before December 1, 1985.

[Added 1-24-2007 by Ord. No. 350]

GRANDFATHERED PARKING SPACE

For definition see § 340-34A(1) of this chapter.

[Added 1-8-2001 by Ord. No. 264]

GROSS FLOOR AREA

The total horizontal area in square feet of all floors within the exterior walls of a building, including habitable or usable basement or attic spaces, but excluding unroofed inner courts or unusable areas below ground or in attics. For a use that has right of access to less than the entire structure, gross floor area shall be determined by reference to the perimeter dimensions of the space or spaces to which the use has right of access, not by reference to the interior dimensions of rooms.

[Added 1-8-2001 by Ord. No. 264]

GROWTH ALLOCATION

The number of acres of land in the Critical Area that the Town of St. Michaels may use, or the county may allocate to municipal jurisdictions to use, to create new Intensely Developed Areas and new Limited Development Areas. The growth allocation acreage is 5% of the total Resource Conservation Area acreage in St. Michaels at the time the Critical Area Commission approved St. Michaels' original Critical Area Program, not including tidal wetlands, plus additional acres included from the county's calculated amount of Resource Conservation Area that existed when the Critical Area Commission approved Talbot County's original Critical Area Program.

[Added 5-10-1988 by Ord. No. 183; amended 6-7-2006 by Ord. No. 337; 1-24-2007 by Ord. No. 350; 1-23-2013 by Ord. No. 436]

GUEST ROOM

A room occupied for sleeping by a transient person in exchange for compensation.

[Added 7-12-1994 by Ord. No. 213]

HABITAT PROTECTION AREAS

Includes the buffer, nontidal wetlands, threatened and endangered species, plant and wildlife habitats, anadromous fish spawning propagation waters and species in need of conservation, as defined in COMAR 14.15.09.

[Added 5-10-1988 by Ord. No. 183]

HABITAT PROTECTION PLAN

A plan that provides for the protection and conservation of the species and habitats identified as Habitat Protection Areas in the Critical Area. The plan shall be specific to the site or area where the species or its habitat is located and shall address all aspects of a proposed development activity that may affect the continued presence of the species. These include, but are not limited to, cutting, clearing, alterations of natural hydrology, and increases in lot coverage. In developing the plan, an applicant shall coordinate with the Department of Natural Resources to ensure that the plan is adequate to provide for long-term conservation and can be effectively implemented on the specific site.

[Added 1-23-2013 by Ord. No. 436]

HALF STORY

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The habitable area contained within the pitch of a roof. Raised basements are not half stories.

[Added 11-11-2003 by Ord. No. 297]

HIGHLY ERODIBLE SOILS

Those soils with a slope greater than 15% or those soils with a K value greater than 0.35 and with slopes greater than 5%.

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350]

HIGH WATER LINE

The highest elevation of tidal water in the course of the usual, regular, periodical ebb and flow of the tide, excluding the advance of waters above that line by winds and storms or by freshets and floods.

[Added 6-12-2001 by Ord. No. 253]

HISTORIC WATERFOWL STAGING AND CONCENTRATION AREA

An area of open water and adjacent marshes where waterfowl gather during migration and throughout the winter season. These areas are historic in the sense that their location is common knowledge and because these areas have been used regularly during recent times.

[Added 1-24-2007 by Ord. No. 350]

HOME OCCUPATION

An occupation or business conducted only by members of a family residing on the premises, and conducted within the dwelling or a secondary structure, provided that no article or commodity is offered for sale or is publicly displayed on the premises except those incidental to the service offered, and provided that the living quarters occupy at least 2/3 of the entire building area. A home occupation entails no off-street parking space requirement in addition to the residential use. A use consisting of a dwelling and one or more guest rooms is not a home occupation, but is a principal use.

[Amended 1-8-2001 by Ord. No. 264; 1-28-2003 by Ord. No. 282]

HOTEL (This definition is not applicable to motels.)

Any building or group of buildings containing nine or more guest rooms under the same management and the same ownership, with said guest rooms intended or designed to be used, or which are used, hired out, or are to be occupied by guests, travelers or transients for sleeping purposes. Hotels are subject to the following conditions:

[Amended 1-8-1985 by Ord. No. 157; 2-13-1996 by Ord. No. 225; 11-30-2005 by Ord. No. 330; 4-8-2009 by Ord. No. 399]

A. In the CC Zone, buildings comprising a hotel may occupy multiple lots.

[Amended 5-26-2010 by Ord. No. 416]

B. A hotel shall contain a registration area and shall be staffed 24 hours a day with at least one individual who has the authority to accept, reject, oversee the conduct of, and expel guests, so as to maintain order at the hotel.

C. A hotel may provide breakfast (but not other meals without a permitted restaurant) in exchange for compensation only to occupants of the guest rooms.

D. Subsection C above notwithstanding, hotels may sell "event packages" as defined and further detailed in § 340-32.1, Notes to General Land Use Table, Hotel event packages.

[Amended 5-26-2010 by Ord. No. 416]

E. Conference facilities may be provided for the occupants and guests of the hotel.

[Added 5-26-2010 by Ord. No. 416[3]]

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F. The owner shall comply with the licensing, food storage and preparation guidelines as set forth in the Code of Maryland Regulations (COMAR) 10.15.03, "Food Service Facilities." A hotel shall contain no cooking facilities in the guest rooms or available for use by guests.

HYDRIC SOILS

Soils that are wet frequently enough to periodically produce anaerobic conditions, thereby influencing the species composition or growth, or both, of plants on those soils.

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350]

HYDROPHYTIC VEGETATION

Those plants cited in "Vascular Plant Species Occurring in Maryland Wetlands" (Dawson, F. et al., 1985) which are described as growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content (plants typically found in water habitats).

[Added 1-24-2007 by Ord. No. 350]

IMMEDIATE FAMILY

A father, mother, son, daughter, grandfather, grandmother, grandson or granddaughter.

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350]

IMPERVIOUS SURFACE

Nonporous ground covers or areas, such as sidewalks, roads, parking areas, and rooftops that shed stormwater and hinder penetration of water into the ground.

[Added 1-24-2007 by Ord. No. 350]

IN-KIND REPLACEMENT

The replacement of a structure with another structure that is smaller than or identical to the original structure in footprint area, width, length, and use.

[Added 1-23-2013 by Ord. No. 436]

INTENSELY DEVELOPED AREA

An area of at least 20 acres or the entire upland portion of the Critical Area within a municipal corporation, whichever is less, where residential, commercial, institutional, or industrial developed land uses predominate; and a relatively small amount of natural habitat occurs. These areas include an area with a housing density of at least four dwelling units per acre and/or an area with public water and sewer systems with a housing density of more than three dwelling units per acre.

[Added 1-23-2013 by Ord. No. 436]

INVASIVE SPECIES

A species that is nonnative or alien to the ecosystem under consideration whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

[Added 1-23-2013 by Ord. No. 436]

JUNKYARD

Any land or building or part thereof used for the abandonment, sale, storage, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage, salvaging or sale of automobiles or other vehicles not in running condition, or machinery, or parts thereof.

K VALUE

The soil erodibility factor in the Universal Soil Loss Equation. It is a quantitative value that is experimentally determined.

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[Added 1-24-2007 by Ord. No. 350]

LAND

All land, regardless of whether located above or below the mean high water line.

[Added 6-12-2001 by Ord. No. 253]

LAND-BASED AQUACULTURE

The raising of fish or shellfish in any natural or man-made, enclosed or impounded, water body.

[Added 1-24-2007 by Ord. No. 350]

LAND CLEARING

Any activity that removes the vegetative ground cover.

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350]

LANDFORMS

Feature of the earth's surface created by natural causes.

[Added 1-24-2007 by Ord. No. 350]

LANDSCAPING/GREEN AREA

An area of outdoor permeable ground, consisting of lawns, shrubs, trees or other vegetation and cover capable of absorbing runoff. Landscaping shall consist primarily of trees and shrubs indigenous to the area. Plants considered invasive (e.g., bamboo, purple star thistle, kudzu, etc.) should be discouraged.

[Added 5-26-2010 by Ord. No. 416]

LANDWARD BOUNDARY OF WETLANDS

The common boundary between wetlands, as defined in this section, and lands not included within the definitions of wetlands appearing in this section.

[Added 6-12-2001 by Ord. No. 253]

LARGE SHRUB

A shrub that, when mature, reaches a height of at least six feet.

[Added 1-23-2013 by Ord. No. 436]

LEGALLY DEVELOPED

All physical improvements to a property that existed before Critical Area Commission approval of a local ordinance, or were properly permitted in accordance with the provisions of the local ordinance in effect at the time of construction.

[Added 1-23-2013 by Ord. No. 436]

LIBRARY

A building or structure used primarily for the housing of books or other literary material on premises for reading, study, reference, and/or lending.

[Added 10-8-1985 by Ord. No. 171]

LIMITED DEVELOPMENT AREA

An area with a housing density ranging from one dwelling unit per five acres up to four dwelling units per acre; with a public water or sewer system; that is not dominated by agricultural land, wetland, forests, barren land, surface water, or open space; or that is less than 20 acres and otherwise qualifies as an Intensely Developed Area under the definition in this chapter.

[Added 1-23-2013 by Ord. No. 436]

LIVING SHORELINE

A suite of stabilization and erosion control measures that preserves the natural shoreline and is designed to minimize shoreline erosion, maintain coastal process, and provide aquatic habitat.

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Measures must include marsh plantings and may include the use of sills, sand containment structures, breakwaters, or other natural components.

[Added 1-23-2013 by Ord. No. 436]

LOCAL SIGNIFICANCE AREA

Development of a minor scale which causes environmental or economic consequences that are largely confined to the immediate area of the parcel of land on which it is located; does not substantially affect the Critical Area Ordinance of the Town of St. Michaels; and is not considered to be major development as defined in this chapter.

[Added 1-23-2013 by Ord. No. 436]

LOT

For zoning purposes, as covered by this chapter, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street and may consist of:

A. A single lot of record;

B. A portion of a lot of record;

C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;

D. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

LOT COVERAGE

The percentage of a total lot or parcel that is: occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway; or covered with a paver, walkway gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any other man-made material. Lot coverage includes the ground area covered or occupied by a stairway or impermeable deck, but does not include: a fence or wall that is less than one foot in width that has not been constructed with a footer; a walkway in the Buffer or expanded Buffer, including a stairway, that provides direct access to a community or private pier; a wood mulch pathway; or a deck with gaps to allow water to pass freely.

[Added 1-23-2013 by Ord. No. 436]

LOT FRONTAGE

The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements of corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "yards" in this section.

LOT MEASUREMENTS

A. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

B. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width except in the

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case of lots on the turning circle of culs-de-sac, where the eighty-percent requirement shall not apply.

LOT OF RECORD

A lot which is part of a subdivision recorded in the office of the Clerk of the Circuit Court, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES

The diagram which follows illustrates terminology used in this chapter with reference to corner lots, interior lots, reversed frontage lots and through lots:

In the diagram:

A = Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the lot meet at an interior angle of less than 135°. See lots marked A(1) in diagram.

B = Interior lot, defined as a lot other than a corner lot with only one frontage on a street other than an alley.

C = Through lot, defined as a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.

D = Reversed frontage lot defined as a lot to which the frontage is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. See A-D and B-D in the diagram.

MAJOR DEVELOPMENT

Development of a scale that may cause statewide, regional, or interjurisdictional, environmental or economic effects in the Critical Area, or which may cause substantial impacts to the Critical Area of a local jurisdiction. This development includes, but is not limited to, airports, power plants, wastewater treatment plants, highways, regional utility transmission facilities, prisons, hospitals, public housing projects, public beaches, and intensely developed park and recreation facilities.

[Added 1-23-2013 by Ord. No. 436]

MANSARD ROOF SIGN

A one-sided sign mounted on a mansard or false mansard roof. For purposes of this chapter, a “mansard roof” is a double-sloped roof whose lower section rises steeply. A “false mansard” consists of a roofed surface attached high on the walls of a low-pitched or flat-roofed building that attempts to give the illusion of a true structural mansard roof.

[Added 10-24-2007 by Ord. No. 360]

MARINA

Any facility for the mooring, berthing, storing, or securing of watercraft, but not including community piers and other noncommercial boat docking and storage facilities.

[Added 10-8-1985 by Ord. No. 171; amended 5-10-1988 by Ord. No. 183; 9-10-1991 by Ord. No. 202; 6-12-2001 by Ord. No. 253; 1-24-2007 by Ord. No. 350]

MASSAGE

Any method of treating, or attending to, the external parts of the human body (other than the scalp) by touching, rubbing, stroking, kneading, tapping or vibrating with the hand, arm, foot or other body part, or by instrument or device, applied by a massage technician, for compensation,

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or without compensation and in connection with or related to any other service, sale, transaction, or exchange for compensation.

[Added 12-15-2010 by Ord. No. 422]

MESSAGE ESTABLISHMENT

Any establishment, building, structure, premises, room, or other location or site where a massage technician administers a massage to another person. "Massage establishment" does not include a hospital, nursing home, medical clinic or other establishment, building, structure, premises, room, or other location or site where massages are administered by any individual who is a medical practitioner, a massage therapist, or a massage practitioner.

[Added 12-15-2010 by Ord. No. 422]

MESSAGE PRACTITIONER

A registered massage practitioner as that term is defined by § 3-5A-01 of the Health Occupations Article of the Annotated Code of Maryland, or a person excepted from the requirement to be certified or registered before practicing massage therapy or nontherapeutic massage pursuant to an exception set forth in § 3-5A-05(A)(2) of the Health Occupations Article of the Maryland Annotated Code who is practicing massage under the limited circumstances allowed in § 3-5A-05(A)(2).

[Added 12-15-2010 by Ord. No. 422]

MESSAGE TECHNICIAN

An individual who administers a massage to another individual. "Massage technician" does not include:

[Added 12-15-2010 by Ord. No. 422]

A. A massage practitioner;

B. A massage therapist; or

C. A medical practitioner.

MESSAGE THERAPIST

A certified massage therapist as that term is defined by § 3-5A-01 of the Health Occupations Article of the Annotated Code of Maryland.

[Added 12-15-2010 by Ord. No. 422]

MAXIMUM LOT COVERAGE

The percentage of a total lot or parcel that is: occupied by principal and accessory structures, parking area, driveway, walkway, or roadway; swimming pools and decking or covered with pavers, walkway gravel, stone, shell permeable pavement or other man-made material. Lot coverage includes the ground area covered or occupied by a stairway, but does not include a fence or wall that is less than one foot in width.

[Added 5-26-2010 by Ord. No. 416]

MEAN HIGH WATER LINE (MHWL)

The average level of high tides at a given location.

[Amended 5-10-1988 by Ord. No. 183; 1-24-2007 by Ord. No. 350]

MEDICAL PRACTITIONER

A physician, dentist, optometrist, chiropractor, podiatrist, psychologist, physical therapist, nurse, or other similar health professional licensed and/or certified by the state.

[Added 12-15-2010 by Ord. No. 422]

MITIGATION

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An action taken to compensate for adverse impacts to the environment resulting from development, development activity, or a change in land use or intensity.

[Added 1-23-2013 by Ord. No. 436]

MOBILE HOME (HOUSE TRAILER)

One or more residential units designed for permanent or semipermanent occupancy, constructed on a frame designed to accommodate one or more axles with wheels and a tongue or other device by which it can be pulled from place to place by a motor vehicle. The fact that the axles, wheels, and/or tongue of a mobile home have been removed and the living unit placed upon a permanent foundation shall not affect its status as a mobile home. A mobile home shall not be considered within the definitions of single-family detached dwelling, two-family dwelling, semidetached dwelling or multifamily dwelling as those terms are used in this chapter.

[Amended 10-11-1983 by Ord. No. 137]

MOTEL (See also "hotel")

A building designed or used primarily for providing sleeping accommodations for automotive travelers and having a parking space adjacent or in close proximity to a sleeping room.

[Added 5-26-2010 by Ord. No. 416]

MUNICIPAL PARKING LOT

Any improved parking lot which is owned and operated by the Town of St. Michaels.

[Added 11-19-2008 by Ord. No. 394]

MUSEUM

A nonprofit institution which has as its primary purpose the procurement, collection, preservation, and public exhibition of antique, curious, interesting, rare or typical objects of art, science, commerce, or natural history. A museum may conduct activities to educate or perpetuate interest concerning the subject matter of the objects being procured, collected, preserved and exhibited in the museum. An institution shall be considered nonprofit if it has obtained and maintains nonprofit status from the Internal Revenue Service.

[Added 3-18-1992 by Ord. No. 208]

NATIVE PLANT

A species that is indigenous to the physiographic area in Maryland where the planting is proposed.

[Added 1-23-2013 by Ord. No. 436]

NATURAL FEATURES

Components and processes present in or produced by nature, including, but not limited to, soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life, and wildlife.

[Amended 5-10-1988 by Ord. No. 183; 1-24-2007 by Ord. No. 350]

NATURAL FOREST VEGETATION

Vegetation consisting of canopy trees, understory trees, shrubs, and herbaceous plants that are typically found in riparian areas in Maryland. Areas of natural forest vegetation planted to meet the mitigation requirements in this policy shall be designed to mimic the structure and species composition of natural forests.

[Added 1-24-2007 by Ord. No. 350]

NATURAL HERITAGE AREA

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Any communities of plants or animals which are considered to be among the best state-wide examples of their kind, and are designated by regulation by the Secretary of the Department of Natural Resources.

[Added 1-24-2007 by Ord. No. 350]

NATURAL PARKS

Areas of natural habitat that provide opportunities for those recreational activities that are compatible with the maintenance of natural conditions.

[Added 1-24-2007 by Ord. No. 350]

NATURAL REGENERATION

The natural establishment of trees and other vegetation with at least 400 free-to-grow seedlings per acre, which are capable of reaching a height of at least 20 feet at maturity.

[Added 1-23-2013 by Ord. No. 436]

NATURAL SHORELINE

The shoreline at the location where it naturally occurs, or would occur, including all naturally occurring influences except avulsion, such as natural accretion, erosion and reliction, but without the influences of avulsion and artificial influences, such as dredging, filling, and the placement of shore erosion control measures.

[Added 6-12-2001 by Ord. No. 253]

NATURAL VEGETATION

Those plant communities that develop in the absence of human activities.

[Amended 5-10-1988 by Ord. No. 183; 1-24-2007 by Ord. No. 350]

NATURE-DOMINATED

A condition where landforms or biological communities, or both, have developed by natural processes in the absence of human activities.

[Added 1-24-2007 by Ord. No. 350]

NEW DEVELOPMENT

For purposes of implementing specific provisions of this chapter, new developments (as opposed to redevelopment) means a development activity that takes place on a property with predevelopment imperviousness (in IDA) or lot coverage (LDA and RCA) of less than 15% as of December 1, 1985.

[Added 1-24-2007 by Ord. No. 350; amended 1-23-2013 by Ord. No. 436]

NONPOINT SOURCE POLLUTION

Pollution generated by diffuse land use activities rather than from an identifiable or discrete facility. It is conveyed to waterways through natural processes, such as rainfall, storm runoff, or groundwater seepage rather than by deliberate discharge. Nonpoint source pollution is not generally corrected by end-of-pipe treatment, but rather by changes in land management practices.

[Added 1-24-2007 by Ord. No. 350]

NONRENEWABLE RESOURCES

Resources that are not naturally regenerated or renewed.

[Added 1-24-2007 by Ord. No. 350]

NONTIDAL WETLANDS

Those areas regulated under Subtitle 9 of the Environment Article that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under

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normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation." The determination of whether an area is a nontidal wetland shall be made in accordance with the publication known as the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," published in 1989 and as may be amended. Nontidal wetlands do not include tidal wetlands regulated under Title 16 of the Environment Article of the Annotated Code of Maryland.

[Amended 5-10-1988 by Ord. No. 183; 1-24-2007 by Ord. No. 350; 1-23-2013 by Ord. No. 436]

NOXIOUS

That which is harmful or injurious, especially to health.

[Added 10-11-1983 by Ord. No. 137]

NURSERY SCHOOL, PREKINDERGARTEN, PRESCHOOL

The regular activity of providing school instruction to children under six years of age, including teaching the alphabet, reading, writing, and counting as part of the daily routine. A nursery school, prekindergarten and preschool shall comply with all Maryland laws regarding the regulation, licensure and operation of those activities.

[Added 8-9-1988 by Ord. No. 187]

OFFENSIVE

That which is causing displeasure, annoying and/or unpleasant sensations.

[Added 10-11-1983 by Ord. No. 137]

OFFSETS

Structures or actions that compensate for undesirable impacts.

[Amended 5-10-1988 by Ord. No. 183; 1-24-2007 by Ord. No. 350]

OFF-PREMISES-SITE SIGN

A sign which is not an on-premises-site sign.

[Added 10-24-2007 by Ord. No. 360]

OFF-STREET PARKING REQUIREMENT OF A LOT

For definition see § 340-34A(1) of this chapter.

[Added 1-8-2001 by Ord. No. 264]

ON-PREMISES-SITE SIGN

A sign erected on a premises/site to which the sign directly pertains.

[Added 10-24-2007 by Ord. No. 360]

ON-SITE PARKING SPACE

For definition see § 340-34A(1) of this chapter.

[Added 1-8-2001 by Ord. No. 264]

OPEN SPACE

Land and water areas retained in an essentially undeveloped state.

[Amended 5-10-1988 by Ord. No. 183; 1-24-2007 by Ord. No. 350]

OPEN WATER

Tidal waters of the state that do not contain tidal wetlands and/or submerged aquatic vegetation.

[Amended 5-10-1988 by Ord. No. 153]

OUTDOOR ADVERTISING BUSINESS

Provision for outdoor displays or display space on a lease or rental basis only.

OUTDOOR AREA

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Any area on a lot lying outside of the permanent exterior walls of a structure whose interior is fully enclosed by those permanent exterior walls and a roof. A porch or deck that is screened, or fitted with removable or retractable curtains of any material remains an outdoor area.

[Added 4-25-2007 by Ord. No. 345]

OVERBURDEN

The strata or material in its natural state, before its removal by surface mining, overlying a mineral deposit, or in between mineral deposits.

[Added 1-24-2007 by Ord. No. 350]

PAD, DEVELOPMENT

The area of a lot, within a larger overall lot area that is devoted to structures and septic systems. In general, where a development pad is prescribed the remaining area of the lot must be maintained in natural vegetation.

[Amended 5-10-1988 by Ord. No. 153]

PALUSTRINE

All nontidal wetlands dominated by trees, shrubs, persistent emergent plants, or emergent mosses or lichens and all such wetlands that occur in tidal areas where the salinity due to ocean-derived salts is below one-half part per 1,000 parts of water.

[Added 1-24-2007 by Ord. No. 350]

PENDING APPLICATION

An application relating to a proposed structure, subdivision, development, or use of land, accepted for filing by the Town for an administrative or quasi-judicial decision pursuant to this chapter: 1) for which application there is no final decision; and/or 2) for which proposed structure, subdivision, development or use of land there is no final decision relating to each approval required by the Town's land use laws (including this chapter, the Subdivision Ordinance and/or the Critical Area Program).

[Added 9-14-1999 by Ord. No. 241]

PENT ROOF SIGN

A one-sided sign mounted on a pent roof. For the purposes of this chapter, a "pent roof" is any permanent pitched roof attached to and supported solely by the wall of a building and originating below the building's main cornice line. Porch roofs, canopies and marquees are not pent roofs. Pent roof signs shall be parallel to the building wall and not project horizontally beyond the pent roof's edges or above the building's main cornice line.

[Added 10-24-2007 by Ord. No. 360]

PERSON

An individual, partnership, corporation, contractor, property owner, or any other person or entity.

[Added 1-23-2013 by Ord. No. 436]

PHYSIOGRAPHIC FEATURES

The soils, topography, land slope and aspect, and local climate that influence the form and species composition of plant communities.

[Amended 5-10-1988 by Ord. No. 183; 1-24-2007 by Ord. No. 350]

PIER

Any pier, wharf, dock, walkway, bulkhead, breakwater, piles or other similar structure. "Pier" does not include any structure on pilings or stilts that was originally constructed beyond the landward boundaries of state or private wetlands.

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[Added 1-24-2007 by Ord. No. 350]

PLANNING COMMISSION

The St. Michaels Planning Commission.

[Added 11-11-2003 by Ord. No. 290]

PLANT HABITAT

A community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics.

[Added 1-24-2007 by Ord. No. 350]

PORT

A facility or area established or designated by the state or Town for purposes of waterborne commerce.

[Added 1-24-2007 by Ord. No. 350]

PREMISES

A recorded lot or, in the case of a multi-occupant lot such as a shopping center, office park or industrial park, the total area of the development under common ownership or control. "Premises" also means two or more contiguous lots under common ownership, leasehold or other assignment of interest in real property which are used as a unified parcel.

[Added 10-24-2007 by Ord. No. 360]

PRIMARY FRONTAGE

The road of a corner lot faced by the main entrance of the principal building located on that lot; and "secondary frontage" of such a corner lot is the other adjacent road.

[Added 11-11-2003 by Ord. No. 297]

PRINCIPAL STRUCTURE

For the purpose of establishing setbacks, the primary or predominant structure on any lot or parcel. For residential parcels or lots, the principal structure is the primary dwelling.

[Added 1-24-2007 by Ord. No. 350; amended 5-26-2010 by Ord. No. 416]

PRIVATE CLUBS AND LODGE

A bona fide private nonprofit club or lodge, owned and operated by the members, providing facilities limited to use by members and their guests; shall be qualified by IRS as having nonprofit status.

[Amended 10-8-1985 by Ord. No. 171]

PRIVATE HARVESTING

The cutting and removal of trees for personal use.[4]

[Added 1-24-2007 by Ord. No. 350]

PRIVATE WETLANDS

Any land not considered state wetland bordering on or lying beneath tidal waters, which is subject to regular or periodic tidal action and supports aquatic growth. "Private wetlands" includes wetlands, transferred by the state by a valid grant, lease, patent, or grant confirmed by Article 5 of the Maryland Declaration of Rights, to the extent of the interest transferred.

[Added 6-12-2001 by Ord. No. 253]

PROGRAM AMENDMENT

Any change or proposed change to an adopted ordinance that is not determined by the Chairman of the Critical Area Commission to be an ordinance refinement.

[Added 1-24-2007 by Ord. No. 350; amended 1-23-2013 by Ord. No. 436]

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PROGRAM REFINEMENT

Any change or proposed change to an adopted ordinance that the Chairman of the Critical Area Commission determines will result in a use of land or water in the Chesapeake Bay Critical Area or Atlantic Coastal Bays Critical Area in a manner consistent with the adopted ordinance, or that will not significantly affect the use of land or water in the Critical Area. Ordinance refinement may include:

[Added 1-24-2007 by Ord. No. 350; amended 1-23-2013 by Ord. No. 436]

- A. A change to an adopted ordinance that results from state law;
- B. A change to an adopted ordinance that affects local processes and procedures;
- C. A change to a local ordinance or code that clarifies an existing provision; and
- D. A minor change to an element of an adopted ordinance that is clearly consistent with the provisions of state Critical Area Law and all the criteria of the Critical Area Commission.

PROJECT APPROVALS

The approval of development, other than development by the state or local government, in the Chesapeake Bay Critical Area by the appropriate local approval authority. The term includes approval of subdivision plats and site plans; inclusion of areas within floating zones; issuance of variances, special exceptions, and conditional use permits; and issuance of zoning permits. The term does not include building permits.

[Added 1-24-2007 by Ord. No. 350]

PROPERTY OWNER

A person holding title to a property or two or more persons holding title to a property under any form of joint ownership.

[Added 1-23-2013 by Ord. No. 436]

PUBLIC PARKS

Town-owned or -leased open spaces and playgrounds. Regulations shall be adopted by resolution of The Commissioners of St. Michaels for the general operation of public parks and for public events held in public parks by permit issued by the Commissioners.

[Added 10-8-1985 by Ord. No. 171; amended 10-28-2009 by Ord. No. 408]

PUBLIC WATER-ORIENTED RECREATION

Shore-dependent recreation facilities or activities provided by public agencies which are available to the general public.

[Added 1-24-2007 by Ord. No. 350]

RECLAMATION

The reasonable rehabilitation of disturbed land for useful purposes, and the protection of the natural resources of adjacent areas, including waterbodies.

[Added 1-24-2007 by Ord. No. 350]

RECONFIGURATION

A change of the configuration of an existing lot or parcel line of any legal parcel of land or recorded legally buildable lot. An application for reconfiguration may include a subdivision, a lot line adjustment, a boundary line adjustment, a replatting request, or a revision of acreage to increase density.

[Added 1-23-2013 by Ord. No. 436]

RECREATIONAL CAMP OR RESORT

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Any area of land or water on which accommodations for temporary occupancy are located or may be placed, including hotels, cabins and tents, and which is primarily used for recreational purposes and retains an open-air or natural character.

RECYCLING COLLECTION CENTER

Community collection center for accumulation, without processing, of common recyclable goods, such as paper, cardboard, glass, metal and/or plastic. No such recycling center shall accept boats, automobiles, tires, appliances, construction materials, or rubble (e.g., debris from land clearing or demolition).

[Added 5-26-2010 by Ord. No. 416]

REDEVELOPMENT

The process of developing land that is or has been developed. For purposes of implementing specific provisions of this chapter, redevelopment (as opposed to new development) means a development activity that takes place on a property with predevelopment imperviousness (in IDA) or lot coverage (in LDA and RCA) of 15% or greater.

[Amended 5-10-1988 by Ord. No. 183; 1-24-2007 by Ord. No. 350; 1-23-2013 by Ord. No. 436]

REFORESTATION

The establishment of a forest through artificial reproduction or natural regeneration.

[Amended 5-10-1988 by Ord. No. 183; 1-24-2007 by Ord. No. 350]

REGULAR OR PERIODIC TIDAL ACTION

The rise and fall of the sea produced by the attraction of the sun and moon uninfluenced by wind or any other circumstance.

[Added 6-12-2001 by Ord. No. 253]

RELICION

Any increase of soil formed by the gradual and imperceptible recession of a body of water.

[Added 6-12-2001 by Ord. No. 253]

RENEWABLE RESOURCE

A resource that can renew or replace itself and, therefore, with proper management, can be harvested indefinitely.

[Added 1-24-2007 by Ord. No. 350]

RESIDENT B&B INN MANAGER

The natural person who is designated in writing by the owner of a bed-and-breakfast inn to be responsible for the operation of the bed-and-breakfast inn. To be effective, such written authorization shall be filed with the Town Zoning Inspector. A person may not qualify as a resident B&B inn manager for the purposes of this chapter unless he/she has the authority to accept, reject, oversee the conduct, and expel guests, so as to maintain order at the bed-and-breakfast inn. There shall be no more than one person designated as the Resident B&B inn manager by the owner of the property.

[Added 7-12-1994 by Ord. No. 213; amended 1-28-2003 by Ord. No. 282]

RESOURCE CONSERVATION AREA

An area that is characterized by nature-dominated environments, such as wetlands, surface water, forests, and open space; and resource-based activities, such as agriculture, forestry, fisheries, or aquaculture. Resource Conservation Areas include areas with a housing density of less than one dwelling per five acres.

[Added 1-23-2013 by Ord. No. 436]

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RESOURCE UTILIZATION ACTIVITIES

Any and all activities associated with the utilization of natural resources, such as agriculture, forestry, surface mining, aquaculture, and fisheries activities.

[Added 1-23-2013 by Ord. No. 436]

RESTAURANT

[Added 6-22-2005 by Ord. No. 319; amended 4-25-2007 by Ord. No. 345]

A. A business open to the public whose principal activity is the preparation and sale of food and beverages for consumption on site. A restaurant provides indoor seating for customers and serves customers at their seats. A restaurant may also have an outdoor seating area, which in the CC, GC, and MC Zones is permitted subject to the following conditions:

[Amended 5-26-2010 by Ord. No. 416; 4-24-2014 by Ord. No. 452]

(1) An outdoor seating area shall exist only in conjunction with indoor seating that is under the same management, which operates the indoor and outdoor seating as a single business.

(2) The outdoor seating area shall be contiguous to the restaurant with which, per Subsection A(2) above, it forms a single business. For restaurants/cafes providing a sidewalk dining area see Subsection C below.

(3) Customers in an outdoor seating area shall be seated at tables.

(4) The number of outdoor seats shall not exceed the number of indoor seats at tables.

(5) An outdoor seating area with more than two tables or eight seats shall provide table service.

(6) An outdoor seating area shall not include an outdoor bar.

(7) Customers in the outdoor seating area shall have access to the same indoor toilets as do customers seated indoors; portable toilets shall not be permitted.

(8) An outdoor seating area shall not be open for business during hours when the indoor restaurant is closed for business.

(9) No part of any outdoor seating area shall be within 75 feet of a residential zone.

(10) All illumination shall be directed within the outdoor seating area and not towards neighboring properties.

B. Conditions set forth in Subsection A(3), (4), (6) and (8) shall not apply during a private function for which the restaurant's outdoor seating area is closed to the general public.

C. Restaurants/cafes with outdoor dining abutting a public sidewalk. General requirements:

[Added 4-24-2014 by Ord. No. 452]

(1) An outdoor dining area, accessory to a restaurant/cafe, which abuts a public sidewalk may only be permitted in those zones where restaurants and cafes are otherwise permitted.

(2) A permit for the above noted outdoor dining shall be issued by the Town.

(3) The permit fee shall be as set out in the Town's Administrative Fee Schedule for a zoning certificate.

(4) All chairs, benches, tables and service operations shall not extend beyond the privately held property on which the business is located and shall not extend into the pedestrian corridor as defined in § 285-1 (obstructions) of the Town Code.

(5) No alcohol of any type may be served on public property or in violation of any license issued by the Talbot County Board of License Commissioners. Violation of this condition shall result in immediate termination of the use of the property for outdoor dining and sidewalk use permit.

(6) The authority to grant, renew, revoke, or deny a permit for outdoor dining abutting a public sidewalk rests with the Zoning Inspector/Codes Enforcement Officer.

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(7) The duration of the permit shall be 365 days.

(8) No structure or enclosure to accommodate the storage of trash or garbage shall be erected or placed on, adjacent to, or separate from the outdoor dining area on the public sidewalk or right-of-way. Outdoor dining areas shall remain clear of litter at all times.

(9) The hours of operation of the outdoor dining area shall be limited to the hours of operation of the associated restaurant or cafe.

(10) Enforcement of these provisions is governed by the St. Michaels Police Department and/or Codes Enforcement Officer.

(11) Violations of these conditions will be considered a municipal infraction and subject to a fine in the amount of \$200 per day.

(12) The Zoning Inspector shall consider the issuance of any prior municipal infractions, citations and unpaid fines relative to outdoor dining when reviewing permit renewal requests.

RESTORATION

The act of returning a site or area to an original state or any action that reestablishes all or a portion of the ecological structure and functions of a site or area.

[Added 1-23-2013 by Ord. No. 436]

RIGHTS-OF-WAY FOR STREETS

Those areas of land dedicated, or to be dedicated, for public streets, roads alleys, and other public ways.

[Added 9-14-1999 by Ord. No. 242]

RIPARIAN HABITAT

A habitat that is strongly influenced by water and which occurs adjacent to streams, shorelines, and wetlands.

[Added 1-24-2007 by Ord. No. 350]

ROAD

A public thoroughfare under the jurisdiction of the state, a county, a municipal corporation, or any other public body but does not include a drive aisle or driveway.

[Added 1-23-2013 by Ord. No. 436]

ROOM

A single partitioned part or space of the inside of a building which is not further subdivided or partitioned into smaller spaces or rooms.

[Added 1-8-1985 by Ord. No. 157]

SCHOOL

Colleges and schools, private or public, having academic curricula which are accredited by appropriate state agencies of the State of Maryland.

[Added 10-8-1985 by Ord. No. 171]

SEASONALLY FLOODED WATER REGIME

A condition where surface water is present for extended periods, especially early in the growing season, and when surface water is absent, the water table is often near the land surface.

[Added 1-24-2007 by Ord. No. 350]

SELECTION

The removal of single, scattered, mature trees or other trees from uneven-aged stands by frequent and periodic cutting operations.

[Added 1-24-2007 by Ord. No. 350]

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SHORE EROSION CONTROL MEASURES

Any of a number of structural and nonstructural methods or techniques for controlling the erosion of shoreline areas. More specifically the term refers to:

[Amended 5-10-1988 by Ord. No. 153]

A. Nonstructural: creation of an intertidal marsh fringe channelward of the existing bank by one of the following methods:

- (1) Vegetation: planting an existing shore with a wide band of vegetation;
- (2) Bank sloping vegetation: sloping and planting a nonwooded bank to manage tidal water contact, using structures to contain sloped materials if necessary; and
- (3) Contained beach: filling along shore with sandy materials, grading, and containing the new beach to eliminate tidal water contact with the bank.

B. Structural:

- (1) Revetment: facing laid on a sloping shore to reduce wave energy and contain shore materials;
- (2) Bulkhead: excluded due to adverse impacts to the near-shore marine environment, except in the following special cases:
 - (a) Where erosion impact is severe and high bluffs and/or dense woodland preclude land access, bulkheads can be installed by shallow-draft barge and pile driver; and
 - (b) In narrow, man-made lagoons for activities that require frequent interchange between boats and land.

SHORE EROSION PROTECTION WORKS

Those structures or measures constructed or installed to prevent or minimize erosion of the shoreline in the Critical Area.

[Added 1-24-2007 by Ord. No. 350]

SHORELINE

The mean high water line of a body of water where it meets land.

[Added 6-12-2001 by Ord. No. 253]

SHORT-TERM RENTAL

Causing or permitting, in exchange for compensation, the occupancy of any dwelling or place of public accommodation for a period of less than four consecutive months, but not for less than 60 hours (2.5 days).

[Added 1-13-2004 by Ord. No. 299]

SIDE-YARD HOUSE

A house that is located on or within two feet from one side lot line and has a side-lot setback on the other side that is at least 40% of the total width of the lot.

[Added 11-11-2003 by Ord. No. 297]

SIGN

A structure or device designed or intended to convey information to the public in written or pictorial form. More specific sign definitions are set out in § 340-40 (Signs) of this chapter.

[Added 5-26-2010 by Ord. No. 416]

SIGNIFICANTLY ERODING AREAS

Areas that erode two feet or more per year.

[Added 1-24-2007 by Ord. No. 350]

SIGN, NUMBER AND SURFACE AREA

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Sign surface areas and numbers are set out in § 340-40 (Signs) of this chapter. The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display and frame area of the sign and including all of the elements of the matter displayed. The structural members not bearing advertising matter shall not be included in computation of the surface area unless otherwise stated in the aforementioned § 340-40.

[Amended 10-11-1983 by Ord. No. 137; 5-26-2010 by Ord. No. 416]

SIGN, OFF-SITE

A sign other than an on-site sign.

SIGN, ON-SITE

A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

SLEEPING ROOM

A room that has, or is designed or intended to have a facility for sleeping, including a bed, pullout couch or other piece of furniture designed for sleeping.

[Added 1-8-1985 by Ord. No. 157]

SMALL SHRUB

A shrub that, when mature, reaches a height no greater than six feet.

[Added 1-23-2013 by Ord. No. 436]

~~SMALL UTILITY STRUCTURE~~

~~A structure that is less than 80 square feet in total floor area with a maximum height of 10 feet that is solely used for storage.~~

~~[Added 5-26-2010 by Ord. No. 416]~~

SOIL CONSERVATION AND WATER QUALITY PLANS

Land use plans for farms that show farmers how to make the best possible use of their soil and water resources while protecting and conserving those resources for the future. It is a document containing a map and related plans that indicate:

[Added 1-24-2007 by Ord. No. 350]

A. How the landowner plans to treat a farm unit;

B. Which best management practices the landowners plans to install to treat undesirable conditions; and

C.

The schedule for applying those best management practices.

SPECIAL EXCEPTION

A use that would not be appropriate generally or without restriction throughout the zone, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zone as special exceptions, if specific provision for such special exceptions is made in this chapter.

SPECIES IN NEED OF CONSERVATION

Those fish and wildlife whose continued existence as part of the state's resources are in question and which may be designated by regulation by the Secretary of Natural Resources as in need of

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conservation pursuant to the requirements of Natural Resources Article 10-2A-06 and 4-2A-03, Annotated Code of Maryland.

[Added 1-24-2007 by Ord. No. 350]

SPOIL PILE

The overburden and reject materials as piled or deposited during surface mining.

[Added 1-24-2007 by Ord. No. 350]

STATE WETLANDS

Any land under the navigable waters of the state below the mean high tide, affected by the regular rise and fall of the tide. Wetlands of this category which have been transferred by the state by valid grant, lease, patent or grant confirmed by Article 5 of the Maryland Declaration of Rights shall be considered "private wetland" to the extent of the interest transferred.

[Added 6-12-2001 by Ord. No. 253]

STEEP SLOPES

Slopes of fifteen-percent or greater incline.

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350]

STORY; HALF STORY

See § 340-36, Structure height.

[Added 2-17-1987 by Ord. No. 177; amended 5-26-2010 by Ord. No. 416]

STREET LINE

The right-of-way line of a street.

STRUCTURE

Anything that is built or constructed, the use of which is intended to have a permanent location on the ground or is attached to or abuts something having a permanent location on the ground. The term "structure" shall be construed as if followed by the words "or part thereof."

[Added 1-23-2013 by Ord. No. 436; amended 7-23-2014 by Ord. No. 446]

STRUCTURE, PRINCIPAL

Any building constructed or erected with a fixed location on the ground including porches and decks.

[Amended 10-11-1983 by Ord. No. 137; 10-22-2008 by Ord. No. 388; 5-26-2010 by Ord. No. 416]

SUBMERGED LAND

Land lying below the mean high water line.

[Added 6-12-2001 by Ord. No. 253]

SUBSTANTIAL ALTERATION

Any repair, reconstruction, or improvement of a principal structure, where the proposed footprint equals or exceeds 50% of the existing principal structure.

[Added 1-23-2013 by Ord. No. 436]

SUITE

A connected series of two or more rooms, bathroom not included, used, designed or intended for use by a single occupant or single group of occupants to the exclusion of other persons.

[Added 1-8-1985 by Ord. No. 157]

SUPPLEMENTAL PLANTING PLAN

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A description and landscape schedule that shows the proposed species type, quantity, and size of plants to be located within a buffer if natural regeneration does not meet the required stem density.

[Added 1-23-2013 by Ord. No. 436]

SURFACE MINING

The breaking of the surface soil in order to extract or remove minerals in the Critical Area. Surface mining includes any activity or process constituting all or part of a process for the extraction or removal of minerals from their original location in the Critical Area and the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes or for other facilities. For the purpose of this chapter, "surface mining" is also defined as operations engaged in processing minerals at the site of extraction; removal of overburden and mining of limited amounts of any mineral when done for the purpose of prospecting and to the extent necessary to determine the location, quantity or quality of any natural deposit; and mining operations, if the affected land exceeds one acre or more in area.

[Added 1-24-2007 by Ord. No. 350]

TAVERN

A business whose principal activity is the preparation and sale of alcoholic beverages for consumption on site. Taverns are not licensed by the Talbot County Health Department to prepare food for customers. Taverns are prohibited in St. Michaels.

[Added 4-25-2007 by Ord. No. 345]

TEMPORARY USE PERMITS

Temporary use permits shall only be approved by the Commissioners of St. Michaels for specific uses identified in Article IV of this chapter.

[Added 4-28-2010 by Ord. No. 413; amended 5-26-2010 by Ord. No. 416]

THINNING

A forest practice used to accelerate tree growth of quality trees in the shortest interval of time.[5]

[Added 1-24-2007 by Ord. No. 350]

THOROUGHFARE

A larger road serving through traffic.

[Added 11-11-2003 by Ord. No. 297]

THREATENED SPECIES

Any species of fish, wildlife, or plants designated as such by regulation by the Secretary of the Department of Natural Resources which appear likely, within the foreseeable future, to become endangered, including any species of wildlife or plant determined to be a "threatened" species pursuant to the Federal Endangered Species Act, 16 U.S.C. § 1531 et seq., as amended.

[Added 1-24-2007 by Ord. No. 350]

TIDAL WETLANDS

State wetlands that are defined as any land under the navigable waters of the state below the mean high water line, affected by the regular rise and fall of tide, and private wetlands that are defined as any land not considered state wetlands bordering or lying beneath tidal waters, that is subject to regular or periodic tidal action and supports aquatic growth. "Private wetlands" includes wetlands transferred by the state by a valid grant, lease, patent, or grant confirmed by Article 5 of the Declaration of Rights of the Constitution to the extent of the interest transferred.

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The term "regular or periodic tidal action" means the rise and fall of the sea produced by the attraction of the sun and moon uninfluenced by the wind or any other circumstance.[6]

[Amended 5-10-1988 by Ord. No. 153]

TOPOGRAPHY

The existing configuration of the earth's surface including the relative relief, elevation, and position of land features.

[Added 5-10-1988 by Ord. No. 183; amended 1-24-2007 by Ord. No. 350]

TOWN

The Maryland municipality known as St. Michaels, having the corporate name "The Commissioners of St. Michaels."

[Added 11-11-2003 by Ord. No. 290]

TOWN COMMISSIONERS

The elected governing body of the Town, known collectively as "The Commissioners of St. Michaels."

[Added 11-11-2003 by Ord. No. 290]

TOWNHOUSE (GROUP HOME)

A dwelling unit forming one of a group or series of three or more attached dwelling units in the same structure; separated from one another by one or more common walls without doors, windows or other means of passage or visibility through such common walls; with each dwelling unit being situated on a separate and well-defined lot or parcel of land intended for separate ownership.

[Amended 6-14-1977 by Ord. No. 115; 10-11-1983 by Ord. No. 137]

TOWN PROPERTY

All public property owned or leased by the Town.

[Added 10-28-2009 by Ord. No. 408]

TRAILER

Any vehicle or portable structure designed for temporary occupancy; or which contains holding tanks for waste disposal or can operate independently of sewer, water and electrical systems; including travel trailers, pickup campers, bus campers, tent campers, tents or other temporary vehicles, which require installation to utility systems.

TRANSIENT PERSON

A person who, in exchange for compensation, occupies or obtains the right to occupy or use a sleeping room, guest room, or dwelling unit for a period of time not more than four consecutive months.

[Added 7-12-1994 by Ord. No. 213]

TRANSITIONAL HABITAT

A plant community whose species are adapted to the diverse and varying environmental conditions that occur along the boundary that separates aquatic and terrestrial areas.

[Added 1-24-2007 by Ord. No. 350]

TRANSPORTATION FACILITIES

Anything that is built, installed, or established to provide a means of transport from one place to another.

[Added 1-24-2007 by Ord. No. 350]

TRIBUTARY STREAM

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A perennial stream or intermittent stream within the Critical Area that has been identified by site inspection or in accordance with local ordinance procedures approved by the Critical Area Commission.

[Amended 5-10-1988 by Ord. No. 183; 1-24-2007 by Ord. No. 350; 1-23-2013 by Ord. No. 436]

UNDERSTORY

The layer of forest vegetation typically located underneath the forest canopy.

[Added 1-23-2013 by Ord. No. 436]

UNDERSTORY TREE

A tree that, when mature, reaches a height between 12 and 35 feet.

[Added 1-23-2013 by Ord. No. 436]

UNWARRANTED HARDSHIP

That without a variance, an applicant would be denied reasonable and significant use of the entire parcel or lot for which the variance is requested.

[Added 1-23-2013 by Ord. No. 436]

UPLAND BOUNDARY

The landward edge of a tidal wetland or nontidal wetland.

[Added 1-23-2013 by Ord. No. 436]

UTILITY TRANSMISSION FACILITIES

Fixed structures that convey or distribute resources, wastes, or both, including, but not limited to, electrical lines, water conduits and sewer lines.

[Added 1-24-2007 by Ord. No. 350]

VACATION COTTAGE

A dwelling for which a current and valid vacation cottage license has been issued by the Town under the requirements of this chapter in § 340-51, Vacation cottages used for short-term rentals.

[Added 1-13-2004 by Ord. No. 299]

VARIANCE

A relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship. As used in this chapter a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zone or adjoining zones.

WASH PLANT

A facility where sand and gravel is washed during processing.

[Added 1-24-2007 by Ord. No. 350]

WATER-BASED AQUACULTURE

The raising of fish and shellfish in any natural, open, free-flowing water body.

[Added 1-24-2007 by Ord. No. 350]

WATER-DEPENDENT FACILITY

Those structures or works associated with industrial, maritime, recreational, educational or fisheries activities that require location at or near the shoreline within the Buffer specified in § 340-27.5 of this chapter. An activity is water-dependent if it cannot exist outside the Buffer and is dependent on the water by reason of the intrinsic nature of its operation. Such activities

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include, but are not limited to, ports, the intake and outfall structures of power plants, water-use industries, marinas and other boat docking structures, public beaches and other public water-oriented recreation areas, and fisheries activities.

[Amended 5-10-1988 by Ord. No. 183; 6-12-2001 by Ord. No. 253; 1-24-2007 by Ord. No. 350; 1-23-2013 by Ord. No. 436]

WATERFOWL

Birds which frequent and often swim in water, nest and raise their young near water, and derive at least part of their food from aquatic plants and animals.

[Added 1-24-2007 by Ord. No. 350]

WATER-USE INDUSTRY

An industry that requires location near the shoreline because it utilizes surface waters for cooling or other internal purposes.

[Added 1-24-2007 by Ord. No. 350]

WETLANDS

Those areas of land delineated as tidal wetland or nontidal wetland according to the standards used by the U.S. Army Corps of Engineers.

[Added 9-14-1999 by Ord. No. 242]

WILDLIFE CORRIDOR

A strip of land having vegetation that provides habitat and safe passage for wildlife.

[Amended 5-10-1988 by Ord. No. 183; 1-24-2007 by Ord. No. 350]

WILDLIFE HABITAT

Those plant communities and physiographic features that provide food, water and cover, nesting, and foraging or feeding conditions necessary to maintain populations of animals in the Critical Area.

[Added 1-24-2007 by Ord. No. 350]

WINDOW SIGN

Any sign attached to, and erected parallel to the face of, or erected or painted on the surface of a window and supported throughout its length by such window. For the purposes of this chapter, a window sign is considered a flat sign.

[Added 10-24-2007 by Ord. No. 360]

YARD

A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward; provided, however, that fences and walls may be permitted in any yard subject to height limitations as indicated herein.

YARD, FRONT

A. A yard extending between side lot lines across the front of a lot. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of 30 inches, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of 30 inches and 10 feet.

B. In the case of through lots in the R-1 and R-2, front yard setbacks are set forth in Article IV, Table 4.2.[7] In all other zones, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Zoning Inspector may waive the requirement for the normal front yard and substitute

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therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

[Amended 5-26-2010 by Ord. No. 416]

C. In the case of corner lots in the R-1 and R-2, front yard setbacks are set forth in Article IV, Table 4.2. In all other zones, which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the zone shall be provided on the other frontage.

[Amended 5-26-2010 by Ord. No. 416]

D. In the case of corner lots in the R-1 and R-2 Zones, front yard setbacks are set forth in Article IV, Table 4.2. In all other zones where there are lots with more than two frontages, the Zoning Inspector shall determine the front yard requirements, subject to the following limitations: 1) at least one front yard shall be provided having the full depth required generally in the zone; 2) no other front yard on such lot shall have less than half the full depth required generally.

[Amended 5-26-2010 by Ord. No. 416]

E. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

YARD, SIDE

A. A yard extending from the rear line of the required front yard to the rear lot line. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots with normal frontage, there will be only one side yard, adjacent to the interior lot. In the case of corner lots with reversed frontage, the yards remaining after the full- and half-depth front yards have been established shall be considered to be side yards.

B. Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.

YARD, REAR

A. A yard extending across the rear of the lot between inner side yard lines. In the case of through lot and reversed frontage corner lots, there will be no rear yard. In the case of corner lots with normal frontage, the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the half-depth front yard.

B. Depth of required rear yards shall be measured at right angles to a straight line adjoining the rearmost points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight line so established.

C. The following diagram indicates the location of yards on rectangular lots:

D. The following diagram indicates the location of yards on nonrectangular lots:

[1] Editor's Note: The definition of "bona fide intrafamily transfer," added 1-24-2007 by Ord. No. 350, which immediately followed this definition, was repealed 1-23-2013 by Ord. No. 436.

[2] Editor's Note: The definition of "Buffer exemption area(s)," added 5-10-1988 by Ord. No. 183, as amended 1-24-2007 by Ord. No. 350, which immediately followed this definition, was repealed 1-23-2013 by Ord. No. 436.

[3] Editor's Note: This ordinance also redesignated former Subsection E as Subsection F.

[4] Editor's Note: The definition of "private TND road," added 11-11-2003 by Ord. No. 297, which immediately followed this definition, was repealed 1-23-2013 by Ord. No. 434.

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[5] Editor's Note: The former definition of "this chapter," added 11-11-2003 by Ord. No. 290, which immediately followed, was repealed 5-26-2010 by Ord. No. 416.

[6] Editor's Note: The definition of "TND road," added 11-11-2003 by Ord. No. 097, which immediately followed this definition, was repealed 1-23-2013 by Ord. No. 434.

[7] Editor's Note: Table 4.2. is included at the end of this chapter.

Chapter 340. Zoning

Article IV. Zone Regulations

§ 340-19. Residential 1 Zone (R-1).

[Amended 10-8-1985 by Ord. No. 171; 6-14-1988 by Ord. No. 185; 4-11-1989 by Ord. No. 192; 7-12-1994 by Ord. No. 213; 7-11-2000 by Ord. No. 255; 1-8-2001 by Ord. No. 264; 11-19-2008 by Ord. No. 394; 4-28-2010 by Ord. No. 413; 5-26-2010 by Ord. No. 416, ~~___-___-___~~ *by Ord. No 474*]

The regulations of the Residential 1 Zone are intended to provide for a pleasant, quiet, residential environment permitting residential and related uses. Presently developed single-family residential areas are included in this zone as well as land which will develop in the manner as set forth here in the future.

A. Lot size, setbacks and lot width.

(1) Minimum lot size: 7,200 square feet.

(2) Maximum density: one dwelling unit per 7,200 square feet. Any development after the 22nd of October 2008 (the date of adoption of St. Michaels Ordinance Number 388) is subject to a maximum density of 4.5 dwelling units per acre. However, a maximum density of one dwelling unit per 7,200 square feet is permitted for properties which carry an S-1 and W-1 classification as set forth in the Talbot County Comprehensive Water and Sewer Plan as of the 13th day of November 2008.

(3) Minimum density: 3.5 dwelling units per acre shall apply in all cases.

(4) Average number of lots per buildable area: refer to § 290-23D.

(5) Yard requirements:

(a) Front:

[1] See Table 4.2.

[2] Minimum and maximum front yard setbacks apply to both primary and accessory structures. Expansion of primary structures existing on the 26th day of May, 2010 utilizing the existing front yard setback is permissible, conditioned upon compliance with all other yard, lot coverage and other requirements as set forth in Article IV of this chapter.

(b) Side:

[1] 8 feet with an aggregate of 20 feet.

[2] ~~Small utility structures~~ *An accessory structure, small shed that is less than eighty square feet in total floor area with a maximum height of ten feet* may be permitted two feet from the side property line with a letter of no objection from the neighboring property owner who abuts the affected side property line. *Each parcel shall only be permitted one accessory structure, shed to encroach on the side yard requirements.*

(c) Rear:

[1] Residential dwellings: 25 feet.

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[2] Accessory structures: 8 feet.

[3] Rear yards abutting alleys: See § 340-41.

(d) Patios, driveways and other pavements, open and enclosed, may occupy a front, rear, or side yard, provided that the average grade of such installation does not exceed the average grade of the yard.

(e) Buffer setbacks: refer to § 340-27.13, Buffer Management Area (BMA) provisions.

[Amended 1-23-2013 by Ord. No. 436]

(6) Structure height:

(a) Thirty-five feet (See Article V, § 340-36.); 20 feet for accessory structures.

(b) The height limitations shall be the vertical distance in feet, and in stories, from average grade of the lot (as defined in § 340-108) to the highest exterior point of the building.

(c) Building height/roof forms and pitch: Roof forms such as gabled or hipped roofs shall be similar to adjacent and surrounding residences. A minimum of 5 in 12 pitch is required. If the majority of the neighboring residential roof pitches are below 5 in 12, the predominant roof pitch shall be incorporated in the new structure.

(7) Height in stories: 2 1/2.

(8) Maximum lot coverage:

(a) Lots greater than 7,200 square feet:

[1] Structures above grade: 30%.

[2] Total structures and impervious surfaces: 50%.

[3] Open space/landscaping: 50%.

(b) Lots of 5,600 to 7,199 square feet:

[1] Structures above grade: 35%.

[2] Total structures and impervious surfaces: 55%.

[3] Open space/landscaping: 45%.

(c) Lots less than 5,600 square feet.

[1] Structures above grade: 40%.

[2] Total structures and impervious surfaces: 60%.

[3] Open space/landscaping: 40%.

(9) Lot width: 50 feet.

(10) Lot depth: 100 feet.

§ 340-20. Residential 2 Zone (R-2).

[Amended 10-11-1983 by Ord. No. 137; 10-8-1985 by Ord. No. 171; 6-14-1988 by Ord. No. 185; 1-8-2001 by Ord. No. 264; 1-28-2003 by Ord. No. 282; 1-13-2004 by Ord. No. 299; 12-14-2004 by Ord. No. 312; 6-22-2005 by Ord. No. 317; 8-22-2007 by Ord. No. 358; 11-19-2008 by Ord. No. 394; 4-8-2009 by Ord. No. 399; 4-28-2010 by Ord. No. 413; 5-26-2010 by Ord. No. 416, 5-25-2016 by Ord. No 474]

The regulations of the Residential 2 Zone are intended to provide for a pleasant, quiet, residential environment permitting residential and related uses while permitting higher density and a wider variety of dwelling types.

A. Lot size, setbacks and lot width:

(1) Minimum lot size:

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(a) Single-family: 5,000 square feet.

(b) Duplex: 6,000 square feet.

(c) Multifamily.

(2) Maximum density:

(a) Single-family: one dwelling unit per 5,000 square feet.

(b) Duplex: one dwelling unit per 3,000 square feet.

(c) Multifamily: one dwelling unit per 2,000 square feet.

(3) Yard requirements:

(a) Single-family:

[1] Front:

[a] See Table 4.2.

[b] Minimum and maximum front yard setbacks apply to both primary and accessory structures. Expansion of primary structures existing on the 16th day of June 2010 utilizing the existing front yard setback is permissible, conditioned upon compliance with all other yard, lot coverage and other requirements as set forth in Article IV of this chapter.

[2] Side:

[a] Six feet with an aggregate of 15 feet.

[b] ~~Small utility structures~~ *An accessory structure, small shed that is less than eighty square feet in total floor area with a maximum height of ten feet* may be permitted two feet from the side property line with a letter of no objection from the neighboring property owner who abuts the affected side property line. *Each parcel shall only be permitted one accessory structure, shed to encroach on the side yard requirements.*

[3] Rear:

[a] Residential dwellings: 25 feet.

[b] Accessory structures: 8 feet.

[c] Rear yards abutting alleys: see subsection § 340-41.

[4] Buffer setbacks: refer to § 340-27.13, Buffer Management Area (BMA) provisions.

[Amended 1-23-2013 by Ord. No. 436]

[5] Patios, driveways and other pavements, open and enclosed, may occupy a front, rear, or side yard, provided that the average grade of such installation does not exceed the average grade of the yard.

(b) Duplex:

[1] Front:

[a] See Table 4.2.

[b] Minimum and maximum front yard setbacks apply to both primary and accessory structures. Expansion of primary structures existing on the 16th day of June, 2010 utilizing the existing front yard setback is permissible, conditioned upon compliance with all other yard, lot coverage and other requirements as set forth in Article IV of this chapter.

[2] Side:

[a] Six feet with an aggregate of 15 feet.

[b] ~~Small utility structures~~ *An accessory structure, small shed that is less than eighty square feet in total floor area with a maximum height of ten feet* may be permitted two feet from the side property line with a letter of no objection from the neighboring property owner who abuts the

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affected side property line. *Each parcel shall only be permitted one accessory structure, shed to encroach on the side yard requirements.*

[3] Rear:

[a] Residential dwellings: 25 feet.

[b] Accessory structures: 8 feet.

[c] Rear yards abutting alleys: See § 340-41.

[4] Buffer setbacks: Refer to § 340-27.6, Buffer Exemption Area.

(4) Structure height:

(a) Thirty-five feet (See Article V § 340-36.); 20 feet for accessory structures.

(b) The height limitations shall be the vertical distance in feet, and in stories, from average grade of the lot (as defined in § 340-108) to the highest exterior point of the building.

(c) Building height/roof forms and pitch: Roof forms such as gabled or hipped roofs shall be similar to adjacent and surrounding residences. A minimum of 5 in 12 pitch is required. If the majority of the neighboring residential roof pitches are below 5 in 12, the predominant roof pitch shall be incorporated in the new structure.

(5) Height in stories: 2 1/2.

(6) Maximum lot coverage.

(a) Lots greater than 5,600 square feet:

[1] For structures above grade: 35%.

[2] Of total structures and impervious surfaces: 55%

[3] Open space/landscaping: 45%.

(b) Lots less than 5,600 square feet:

[1] For structures above grade: 40%.

[2] Of total structures and impervious surfaces: 60%.

[3] Open space/landscaping: 40%.

(7) Lot width: 40 feet.

(8) Lot depth: 100 feet.

§ 340-21. Residential 3 Zone. (R-3).

[Added 10-11-1983 by Ord. No. 137; amended 10-8-1985 by Ord. No. 171; 6-14-1988 by Ord. No. 185; 12-14-1993 by Ord. No. 214; 1-8-2001 by Ord. No. 264; 11-19-2008 by Ord. No. 394; 4-28-2010 by Ord. No. 413; 5-26-2010 by Ord. No. 416, *5 -25_-2016_ by Ord. No 474*]

The regulations of the Residential 3 Zone are intended to provide for a pleasant, quiet, hazard-free residential environment permitting residential and related uses while permitting higher density and a variety of dwelling types.

A. Lot size, setbacks and lot width:

(1) Minimum lot size:

(a) Single-family: 5,000 square feet.

(b) Duplex: 6,000 square feet.

(c) Multiple-family.

(2) Maximum density:

(a) Single-family: one dwelling unit per 5,000 square feet.

(b) Duplex: one dwelling unit per 3,000 square feet.

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(c) Multiple-family: one dwelling unit per 1,900 square feet.

[Amended 10-24-2012 by Ord. No. 433]

(3) Yard requirements:

(a) Single-family:

[1] Front: 30 feet.

[2] Side:

[a] Six feet with an aggregate of 15 feet.

[b] ~~Small utility structures~~ An accessory structure, small shed that is less than eighty square feet in total floor area with a maximum height of ten feet may be permitted two feet from the side property line with a letter of no objection from the neighboring property owner who abuts the affected side property line. Each parcel shall only be permitted one accessory structure, shed to encroach on the side yard requirements.

[3] Rear:

[a] Residential dwellings: 25 feet.

[b] Accessory structures: 8 feet.

[4] Patios, driveways and other pavements, open and enclosed, may occupy a front, rear, or side yard, provided that the average grade of such installation does not exceed the average grade of the yard.

(b) Duplex:

[1] Front: 30 feet.

[2] Side:

[a] Six feet with an aggregate of 15 feet.

[b] ~~Small utility structures~~ An accessory structure, small shed that is less than eighty square feet in total floor area with a maximum height of ten feet may be permitted two feet from the side property line with a letter of no objection from the neighboring property owner who abuts the affected side property line. Each parcel shall only be permitted one accessory structure, shed to encroach on the side yard requirements.

[3] Rear:

[a] Residential dwellings: 25 feet.

[b] Accessory structures: 8 feet.

[4] Patios, driveways and other pavements, open and enclosed, may occupy a front, rear, or side yard, provided that the average grade of such installation does not exceed the average grade of the yard.

(c) Multifamily:

[1] Front: 25 feet.

[2] Side: six feet.

[a] When adjacent to a residential building or residential zone, a side yard of at least 10 feet is required.

[b] ~~Small utility structures~~ An accessory structure, small shed that is less than eighty square feet in total floor area with a maximum height of ten feet may be permitted two feet from the side property line with a letter of no objection from the neighboring property owner who abuts the affected side property line. Each parcel shall only be permitted one accessory structure, shed to encroach on the side yard requirements.

[c] Side yard setbacks of townhouses are applicable to noncommon wall sides only.

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[d] Townhouses having only one common wall must comply with the six-foot minimum setback.

[3] Rear:

[a] Residential dwellings: 25 feet.

[b] Accessory structures: 8 feet.

(4) Structure height:

(a) Thirty-five feet (See Article V, § 340-36); 20 feet for accessory structures.

(b) The height limitations shall be the vertical distance in feet, and in stories, from average grade of the lot (as defined in § 340-108) to the highest exterior point of the building.

(5) Height in stories: 2 1/2.

(6) Maximum lot coverage:

(a) Lots of or greater than 5,000 square feet:

[1] Structures above grade: 40%.

[2] Of total structures and impervious surfaces: 70%.

[3] Open space/landscaping: 30%.

(b) Lots less than 5,000 square feet:

[1] Structures above grade: 45%.

[2] Of total structures and impervious surfaces: 70%.

[3] Open space/landscaping: 30%.

(7) Lot width:

(a) Single-family: 40 feet.

(b) Duplex: 40 feet.

(c) Multifamily: 20 feet.

(8) Lot depth: 100 feet.

§ 340-22. Residential Gateway (RG) Zone.

[Added 3-22-2006 by Ord. No. 333; amended 5-26-2010 by Ord. No. 416[1], *5_-25_-2016*
by Ord. No 474]

A. The Residential Gateway Zone is intended to serve as a transitional zone from the more rural county development patterns to the more intense development patterns of the Town. In addition, this zone is intended to promote natural looking vistas entering and leaving the Town boundaries.

B. New development in the Residential Gateway Development Zone shall provide a Buffer yard of 150 feet measured from the property line adjacent to Maryland Route 33. The Buffer yard shall be limited to: access entrances, pedestrian trails, utility easements and ponds.

C. New development in the Residential Gateway Development Zone shall provide landscaping within the Buffer yard as described above, at a minimum depth of 75 feet, which shall include a mix of trees, shrubs, grasses, flowers and hedges. Plant materials within the Buffer yard shall include in the mix a minimum of two shade trees for the first 50 feet of road frontage and one additional shade tree for each 50 feet thereafter. The minimum planting caliper size for such shade trees shall not be less than three inches. The property owner is responsible for the property care and maintenance, and replacement if necessary, of all landscape materials.

D. Lot size, setbacks and lot width:

(1) Minimum lot size: one acre.

For Discussion - 05/11/2016

Introduction - 05/11/2016

Public Hearing - 05/25/2016

Adopted – 5/25/2016

Enacted – 6/15/2016

(2) Maximum density: one dwelling unit per five acres.

(3) Yard requirements:

(a) Front: 50 feet.

(b) Side:

[a] 10 feet with an aggregate of 30 feet.

[b] ~~Small utility structures~~ An accessory structure, small shed that is less than eighty square feet in total floor area with a maximum height of ten feet may be permitted two feet from the side property line with a letter of no objection from the neighboring property owner who abuts the affected side property line. Each parcel shall only be permitted one accessory structure, shed to encroach on the side yard requirements.

(c) Rear: 40 feet.

(4) Structure height:

(a) Thirty-five feet (See Article V, § 340-36.); 20 feet for accessory structures.

(b) The height limitations shall be the vertical distance in feet, and in stories, from average grade of the lot (as defined in § 340-108) to the highest exterior point of the building.

(5) Height in stories: 2 1/2.

(6) Maximum lot coverage: 15%.

(7) Lot width: 100 feet.

(8) Lot depth: 300 feet.

[1]Editor's Note: This ordinance also repealed former § 340-22, Neighborhood Commercial Zone NC, as amended.

NOW, THEREFORE BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that this Ordinance shall take effect twenty (20) days from the date of its enactment, having been read at two (2) meetings of The Commissioners of St. Michaels and having been passed by a yea and nay vote of The Commissioners of St. Michaels;

AND BE IT FURTHER ORDAINED AND ENACTED, that if any provisions of this Ordinance or the application thereof to any person(s) or circumstance(s) is held invalid for any reason in a court of law, the invalidity does not affect other provisions or any other applications of this Ordinance which can be given effect without the invalid provision(s) as contested, and for this purpose the provisions of Ordinance 474 of the Town of St. Michaels are declared severable;

HAVING BEEN READ for the second time and passed by a yea and nay vote of the Commissioners of St. Michaels at a Public Meeting of the Commissioners of St. Michaels held on this 25th day of May, 2016 in the meeting room of the Edgar M. Bosley, Jr. Municipal Administration Building (Town Office), St. Michaels, Maryland on Ordinance 474.

BORDERS _yea__

CLARK _yea__

HARROD _yea__

MYERS _yea__

For Discussion - 05/11/2016

Introduction - 05/11/2016

Public Hearing - 05/25/2016

Adopted - 5/25/2016

Enacted - 6/15/2016

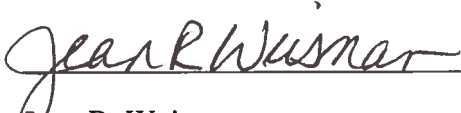
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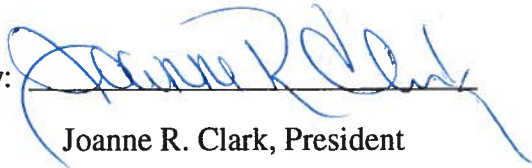
_yea__

I HEREBY CERTIFY that the above Ordinance No. 474 was passed by a ye and nay vote of The Commissioners of St. Michaels on this 25th day of May, 2016.

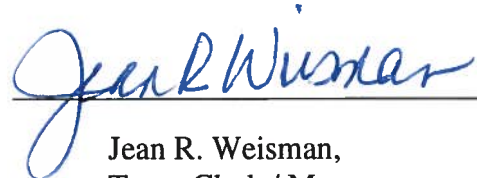
ATTEST

THE COMMISSIONERS OF ST. MICHAELS

 (Seal)
Jean R. Weisman,
Town Clerk / Manager

By: 
Joanne R. Clark, President

I HEREBY CERTIFY that an exact copy of this Ordinance was posted from the 26th day of May, 2016, at 8:30 o'clock a.m. until this 14th day of June, 2016, at 4:30 o'clock p.m., on the bulletin board at the Town Office in St. Michaels, Maryland, and that a summary of the aforesaid Ordinance No 474, the date of its passage, its effective date and the fact that the entire text of the Ordinance may be read on the bulletin board of the Town Office, St. Michaels, Maryland, for at least twenty (20) days following the passage, has been published at least once each week for two (2) consecutive weeks following the passage of said Ordinance in a newspaper having general circulation in the Town of St. Michaels.

 (Seal)
Jean R. Weisman,
Town Clerk / Manager